

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 20, 2008

Present:

Gene Carey, Mayor

Council Members:

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

City Staff:

Claude King, City Manager
Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 5:45 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 5:45 p.m. on Monday, October 20, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 5:45 p.m. Monday, October 20, 2008, in accordance with the requirements of the Open Meetings Law.

CLOSED SESSION

(Agenda Item A)

In accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development), the Lewisville City Council convened into Closed Session at 5:45 p.m. on Monday, October 20, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following: Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 6:00 p.m. on Monday, October 20, 2008.

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

Mayor Carey reconvened the Workshop Session of the Lewisville City Council at 6:00 p.m. on Monday, October 20, 2008, in the City Council Conference Room of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken.

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

(Agenda Item B)

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

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

Mayor Carey reviewed Agenda Item C, Public Hearing: Consideration of a Resolution Authorizing the Submission of an Application for Funding With the United States Environmental Protection Agency Under the Brownfield's Assessment Grant Program. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item E-1, Approval of Minutes: City Council Minutes of the October 6, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of a Supplemental Appropriation in the Amount of \$23,656 to the Grant Fund; Acceptance of \$23,656 Loan Star Libraries FY2009 Grant Award to Purchase Equipment, on-line Bibliographic Records, Supplies and Staff Training; and Authorization for the City Manager to Execute the Texas State Library and Archives Commission Contract. There was no discussion on this item.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-3, Approval of a Bid Award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Euless, Texas, in the Amount of \$324,724.05; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of Final Acceptance of the Concrete Curb and Gutter Rehab 2008 Project; and Authorization To Make Final Payment to Patco Utility, Inc., in the Amount of \$23,340.10. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$66,000 for Services Relating to the Preparation of Plans and Specifications and Construction Administration of a 17 Acre Section of East Hill Park; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$66,000; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$123,500 for Services Relating to the Preparation of a Citywide Parks, Recreation and Open Space Master Plan; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$123,500; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of an Agreement Between the City of Lewisville and the Town of Flower Mound to Revise the Municipal Boundary Along Garden Ridge Boulevard, From FM 1171 (Main Street) to Corporate Drive; and Authorization for the Mayor to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of Revisions to the Lewisville Parks and Library Development Corporation (4B) Bylaws. Councilman Ueckert advised that the Lewisville Parks and Library Development Corporation had approved these revisions at the meeting held prior to the City Council meeting. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of an Appropriation From Utility Capital Project Available Cash in the Amount of \$323,924; Approval of Payment in the Amount of \$323,924.08 to the City of Irving for Lewisville's Share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the Agreement Among the City of Irving, City of Coppell, and the City of Lewisville as Defined in City of Irving Council Resolution #10-06-94-486. There was no discussion on this item.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-10, Consideration of a Request by Weber/Inland American Lewisville TC L.P., for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Consideration of a Request For a Variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a Proposed Storage Building Located at 897 Treatment Plant Road. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Consideration of a Bid Award for Median Improvements to Legends Landscapes, LLC, Plano, Texas, in the Amount of \$776,620; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Consideration of a Resolution Finding That Oncor Electric Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-14, Consideration of an Ordinance Creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, Pursuant to Chapter 311 of the Texas Tax Code, Being Approximately 427 Acres, Located at the Northeast Corner of SH 121 and Interstate Highway 35E, Creating a Board of Directors for Such Zone. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-15, Consideration of the "Lewisville Truck Prohibition Study" From Kimley-Horn & Associates. City Manager King reviewed the backup information contained in their packets. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-16, Consideration of Declaring a Vacancy in Place No. 4 on the Park Board; and Consideration of an Appointment to Fill the Vacancy on the Park Board. There was no discussion on this item.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-17, Consideration of a Resolution Authorizing the Cities Aggregation Power Project, Inc. (CAPP) to Negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary, Related Services Effective January 1, 2009; Approving CAPP Contracting with FPL Energy and Direct Energy and Authorizing the City Manager or His Designee to Sign a Contract with CAPP for the City's Electricity Needs for the Period Beginning January 1, 2009 and Extending Up to December 31, 2013; Committing to Budget for Energy Purchases and to Honor the City's Commitments to Purchase Power Through CAPP for its Electrical Needs for the Period Beginning January 1, 2009, and Extending Up to December 31, 2013. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 7:00 p.m. on Monday, October 20, 2008.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Carey at 7:00 p.m. on Monday, October 20, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Carey gave the invocation.

Pledge to the Flag

(Agenda Item B)

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

Mayor Carey presented a proclamation declaring the week of October 20-24 as Chamber of Commerce Week to Lewisville Chamber of Commerce Chamber President Matt McCornick and Chairperson of the Board Mary Jacoby.

Mayor Carey presented a guitar that he had received from the Eli Young Band during Western Days to Director of Communication and Tourism James Kunke. Mayor Carey thanked Mr. Kunke for all his hard work during Western Days and requested that City staff put the guitar in trophy case.

PUBLIC HEARING: Consideration of Resolution No. 3616-10-2008(R) Authorizing the Submission of an Application for Funding With the United States Environmental Protection Agency Under the Brownfield's Assessment Grant Program

(Agenda Item C)

City staff has been working with the United States Environmental Protection Agency (EPA) and other agencies to evaluate financial assistance programs to encourage environmental remediation and redevelopment of Brownfield properties. Funding through the EPA's Program of financial assistance is available in the amount of \$200,000 for assessment of sites with potential petroleum contamination and \$200,000 for assessment of sites with potential hazardous substance contamination. Staff has prepared a draft application for public review and comment, available for access through the Office of Economic Development. The deadline for submission of the grant application is November 14. Written public comment on the proposal will be accepted until October 31, 2008.

The City staff's recommendation was that the City Council conduct the public hearing; and adopt the resolution authorizing the submission of the application to the United States Environmental Protection Agency.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3616-10-2008(R)** authorizing the submission of an application for funding with the United States Environmental Protection Agency under the Brownfield's Assessment Grant Program. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

JoAnn Brooks, 1024 Dartmouth Drive, Lewisville, Texas 75067 invited the City Council to the Angel Award Ceremony that was being held on Sunday, October 26, 2008.

Visitors/Citizens Forum (cont'd)

(Agenda Item D)

Sherry Horton, 1698 San Antone, Lewisville, Texas 75077, spoke before the City Council regarding her concern about the electric companies. Ms. Horton requested that the city of Lewisville do a study and provide the residents with one company at one very low competitive rate. Ms. Horton reviewed her recent experiences with the electric company. City Manager Claude King addressed Ms. Horton's concerns and encouraged Ms. Horton to the website powertochoose.org that had been set up by the Public Utility Commission.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the October 6, 2008, Workshop Session and Regular Session.
2. Approval of a Supplemental Appropriation in the Amount of \$23,656 to the Grant Fund; Acceptance of \$23,656 Loan Star Libraries FY2009 Grant Award to Purchase Equipment, on-line Bibliographic Records, Supplies and Staff Training; and Authorization for the City Manager to Execute the Texas State Library and Archives Commission Contract.
3. Approval of a Bid Award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Eules, Texas, in the Amount of \$324,724.05; and Authorization for the City Manager to Execute the Contract.
4. Approval of Final Acceptance of the Concrete Curb and Gutter Rehab 2008 Project; and Authorization To Make Final Payment to Patco Utility, Inc., in the Amount of \$23,340.10.
5. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$66,000 for Services Relating to the Preparation of Plans and Specifications and Construction Administration of a 17 Acre Section of East Hill Park; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$66,000; and Authorization for the City Manager to Execute the Contract.

CONSENT AGENDA (cont'd)

(Agenda Item E)

6. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$123,500 for Services Relating to the Preparation of a Citywide Parks, Recreation and Open Space Master Plan; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$123,500; and Authorization for the City Manager to Execute the Contract.
7. Approval of an Agreement Between the City of Lewisville and the Town of Flower Mound to Revise the Municipal Boundary Along Garden Ridge Boulevard, From FM 1171 (Main Street) to Corporate Drive; and Authorization for the Mayor to Execute the Agreement.
8. Approval of **Resolution No. 3620-10-2008(R)** Authorizing and Approving Revisions to the Bylaws of the Lewisville Parks and Library Development Corporation (4B) Bylaws.
9. Approval of an Appropriation From Utility Capital Project Available Cash in the Amount of \$323,924; Approval of Payment in the Amount of \$323,924.08 to the City of Irving for Lewisville's Share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the Agreement Among the City of Irving, City of Coppell, and the City of Lewisville as Defined in City of Irving Council Resolution #10-06-94-486.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Request by Weber/Inland American Lewisville TC L.P., for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements

(Agenda Item F-10)

Consideration of a Request by Weber/Inland American Lewisville TC L.P., for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements (con't)

(Agenda Item F-10)

A previous set of agreements was approved and executed in April of this year for the initial construction of Lewisville Towne Crossing Project, a 54.61 acre multi-lot retail center within the Castle Hills Development. The developer, Weber/Inland American Lewisville TC L.P., has requested a new variance to allow building permits and to begin simultaneous construction of the additional public and private on-site improvements including building construction not covered in the previously approved agreements. The General Development Ordinance allows a developer to enter into a 3-party escrow agreement among the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. In this case, two separate agreements are required, one for the City improvements and one for the Fresh Water District improvements. The requested variance allows the use of both 3-party agreements to facilitate simultaneous construction of public, offsite improvements and private on-site improvements.

The City staff's recommendation was that the City Council approve the variance request and the Three-Party Escrow Agreement for the City of Lewisville improvements (Agreement A); and authorize the City Manager to execute Agreement A and stipulate that all City of Lewisville improvements be completed and accepted by the City prior to issuance of any certificate of occupancy by the Denton County Fresh Water District.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorized the City Manager to execute Escrow Agreement A for City of Lewisville Improvements. The motion carried.

**Consideration of a Request For a Variance to
the Lewisville City Code, Section 6-181
Exterior Finish Requirements, for a
Proposed Storage Building Located at 897
Treatment Plant Road**

(Agenda Item F-11)

Staff is proposing a new two hundred forty square foot (240 sq.ft.) storage building to be located at the City's Wastewater Treatment Plant. The proposed storage building will be constructed of metal with a "spray on" finish thus giving a masonry finish consistent with the adjacent administrative building. The building will have minimal visibility to the future Valley Ridge Boulevard.

The City staff's recommendation was that the City Council approve the request for a variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a proposed storage building located at 897 Treatment Plant Road.

Carole Bassinger, Public Services Director, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a proposed storage building located at 897 Treatment Plant Road to be constructed of metal with a "spray on" finish thus giving a masonry finish consistent with the adjacent administrative building. The motion carried.

**Consideration of a Bid Award for Median
Improvements to Legends Landscapes, LLC,
Plano, Texas, in the Amount of \$776,620; and
Authorization for the City Manager to
Execute the Contract**

(Agenda Item F-12)

A total of seventeen (17) bid invitations were issued, including five (5) downloaded from DemandStar.com. Five (5) bids were received and opened September 18, 2008. This project consists of median improvements to MacArthur Boulevard, College Boulevard and Valley Parkway Boulevard. Funding is available in the Corridor Aesthetic Capital Project.

The City staff's recommendation was that the City Council approve a bid award for median improvements to Legends Landscapes, LLC, Plano, Texas, in the amount of \$776,620; and authorize the City Manager to execute the contract.

Consideration of a Bid Award for Median Improvements to Legends Landscapes, LLC, Plano, Texas, in the Amount of \$776,620; and Authorization for the City Manager to Execute the Contract (cont'd)

(Agenda Item F-12)

Joseph Anjelone, 1780 Midway Road, Lewisville, Texas 75056, with American Landscape, spoke before the City Council and requested that the utilize Local Government Code, Section 271.9051 which allows for a municipality with a population of 250,000 or less when receiving one or more competitive sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within five percent (5%) of the lowest bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract with that bidder, rather than the lowest bidder. Mr. Anjelone acknowledged that American Landscape was the second low bidder and met the qualification of this Code.

Mark Jones, 5048 Tennyson Place, #200, with Legends Landscapes, was available for questions.

Discussion was held regarding giving the bid to American Landscape based on the information present by Mr. Anjelone. City Attorney Ron Neiman advised that if that was the direction the City Council wanted to proceed they would need to direct City staff to prepare a resolution staying the economic benefits. He recommended that the City Council table this item to the November 3, 2008, City Council meeting.

The general consensus of the City Council, with the exception of Councilman Durham was to award the bid to American Landscape. Councilman Durham advised that he felt the bid award should go to the lower bidder.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted four (4) "ayes" and one (1) "nays," with Councilman Durham casting the negative vote to direct City staff to prepare a Resolution providing evidence that this bid can be awarded to the second low bidder. The motion carried.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to table to next meeting. The motion carried.

Consideration of Resolution No. 3617-10-2008(R) Finding That Oncor Electric Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel

(Agenda Item F-13)

Oncor Electric Delivery Company ("Oncor") filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. (Until last year, Oncor was known as TXU Electric Delivery Company.) Oncor asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Based upon the analysis of Oncor's filing and review of discovery responses, the Steering Committee's consultants have determined that Oncor's increase cannot be substantiated by the evidence. The resolution denies Oncor's requested rate increase and requires that Oncor's current rates be maintained for all customers within the City, which amounts to approximately 500 customers.

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3617-10-2008(R)** finding that Oncor Electric Company's requested increases to its electric transmission and distribution rates and charges within the City should be denied. The motion carried.

Consideration of Ordinance No. 3618-10-2008 Creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, Pursuant to Chapter 311 of the Texas Tax Code, Being Approximately 427 Acres, Located at the Northeast Corner of SH 121 and Interstate Highway 35E, Creating a Board of Directors for Such Zone

(Agenda Item F-14)

Prior to creation of a Tax Increment Reinvestment Zone (TIRZ), Chapter 311 of the Texas Tax Code requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the zone. A public hearing to receive input was held on October 6, 2008. No comments from the public were received at the hearing. The City of Lewisville TIRZ #2 is proposed to help pay for infrastructure costs to facilitate a mixed use project known as Hebron/121 Station. The project is comprised of approximately 1,750 multi-family units, 736,000 sq. ft of mixed use commercial development and 149 acres of parkland/open space area. The developer is requesting that the City and Denton County participate in the district at 80% of the property tax on the new increment. The developer is proposing to front the majority of the costs to build the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

The City staff's recommendation was that the City Council consider the information presented and approve the ordinance creating Tax Increment Reinvestment Zone, Number 2.

Nika Reinecke, Economic Development Director, was present to respond to any questions posed by the City Council.

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

“An Ordinance of the City Council of the City of Lewisville, Texas Designating a Contiguous Geographic area Within the City of Lewisville as Reinvestment zone Number Two, City of Lewisville, Texas for Tax Increment Financing Purposes Pursuant to Chapter 311 of the Texas Tax Code; Creating a Board of Directors for Such Zone; Containing Findings and Provisions Related to the Foregoing Subject; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve **Ordinance No. 3618-10-2008**, creating Tax Increment Reinvestment Zone, Number Two for the City of Lewisville. The motion carried.

Consideration of the “Lewisville Truck Prohibition Study” From Kimley-Horn & Associates

(Agenda Item F-15)

On February 18, 2008 Kimley-Horn and Associates Inc. was commissioned to perform a study of various city streets for the consideration of prohibiting through truck use of certain roadways within the City. The results of the study were presented by Kimley-Horn's representative Wayne Kurfees at the City Council workshop on September 20, 2008. The report supports the prohibition of through truck use of all but one of the candidate roadways. Direction is requested on which, if any, roadways to proceed forward on, to prohibit through truck traffic. A subsequent ordinance will need to be prepared.

The City staff's recommendation was that the City Council consider the “Lewisville Truck Prohibition Study” from Kimley-Horn & Associates and provide direction to staff as to any action to be taken toward the prohibition of through truck traffic on City streets.

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

Discussion was held by City Council regarding confirming the existing streets that currently have truck prohibition and which streets they wanted to add, if any. Councilman Ueckert advised after reviewing the study and discussion during workshop sessions on this topic, it was his thought to accept the study by Kimley Horn and add truck prohibition to the streets listed in the report.

Councilman Durham advised he was against any additional streets having truck prohibition and he also wanted to remove it from some of the streets that had already been approved.

Deputy Mayor Pro Tem Watts advised that he wanted to confirm the streets that already have prohibition and review the additional streets separately, and not approve them all at once.

City Manager Claude King reviewed the streets that had been recommended for truck prohibition.

Mayor Pro Tem Thornhill advised he was okay with study and would be agreeable to approve as recommended in the study by Kimley Horn.

**Consideration of the “Lewisville Truck
Prohibition Study” From Kimley-Horn &
Associates (cont’d)**

(Agenda Item F-15)

Councilman Tierney stated he was fine with the streets that currently have truck prohibition. He further stated that he would like to see truck traffic prohibited on Bellaire and Fox and also like to see it restricted on College and Corporate because they both have heavy residential uses as opposed to Fox and Bellaire from a safety standpoint and keeping the rest of the streets as the currently are.

Discussion was held that this would not prohibit trucks from delivering goods to business located on the streets with truck prohibition. Further discussion was held regarding how the Police Department handles this issue. Police Chief Kerbow advised that it was generally handled on a complaint basis.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Ueckert, the Council voted four (4) “ayes” and no (1) “nays,” with Councilman Durham casting the negative vote to direct City staff to prepare an ordinance to confirm the five streets that already have truck prohibitions (Church Street from Herod Street to Mill Street; College Street from IH35E to Mill Street; Lake Park Road from IH35E to Mill Street; Main Street from IH35E to Mill Street; and Pine Drive from IH35E to Yates Street). The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Durham and Deputy Mayor Pro Tem Watts casting the negative votes to include the following streets in the ordinance to be prepared by City staff: College Parkway from IH35E to west city limits and Corporate Drive from SH 121 Business to west city limits. The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Durham and Deputy Mayor Pro Tem Watts casting the negative votes to include High School Drive from IH35E to Mill Street in the ordinance to be prepared by City staff. The motion carried.

**Consideration of Declaring a Vacancy in
Place No. 4 on the Park Board; and
Consideration of an Appointment to Fill the
Vacancy on the Park Board**

(Agenda Item F-16)

In accordance with the City Council's attendance policy, Tippi Sorensen has missed three consecutive meetings (during the months of July, August and September) of the Park Board and is automatically removed from membership on this committee. Ms. Sorensen has been contacted by City staff regarding the attendance policy and she is aware that pursuant to this policy she has been automatically removed from this committee. Ms. Sorensen has contacted Mayor Carey and advised that she missed the meetings due to business related issues and has respectfully requested that she be reappointed to the Park Board. Data sheets for residents interested in this committee have been included in the City Council's backup material.

The City staff's recommendation was that the City Council declare a vacancy in Place No. 4 on the Park Board; and consider an appointment to fill the vacancy on the Park Board.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to appoint Tippi Sorensen to Place No. 4 on the Park Board. The motion carried.

Consideration of a Resolution No. 3619-10-2008(R) Authorizing the Cities Aggregation Power Project, Inc. (CAPP) to Negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary, Related Services Effective January 1, 2009; Approving CAPP Contracting with FPL Energy and Direct Energy and Authorizing the City Manager or His Designee to Sign a Contract with CAPP for the City's Electricity Needs for the Period Beginning January 1, 2009 and Extending Up to December 31, 2013; Committing to Budget for Energy Purchases and to Honor the City's Commitments to Purchase Power Through CAPP for its Electrical Needs for the Period Beginning January 1, 2009, and Extending Up to December 31, 2013

(Agenda Item F-17)

The City is a member of CAPP. CAPP's current electric contract will expire on December 31, 2008. The CAPP Board has approved indicative electric pricing available through FPL Energy and Direct Energy Business Services (DEBS) for all CAPP members for a five (5) year term beginning January 1, 2009 through December 31, 2013. CAPP is seeking to lock in energy prices for five years that are below electric prices CAPP members are currently paying.

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

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3619-10-2008(R)**, authorizing the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an electric supply agreement for deliveries of electricity and necessary, related services effective January 1, 2009. The motion carried.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:00 p.m. Monday, October 20, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation With Attorney), the Lewisville City Council convened into Closed Session at 8:10 p.m. on Monday, October 20, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. CAPP Long Term Contract.
2. Section 551.072 (Real Estate): Property Acquisition
3. Section 551.074 (Personnel): Chief Municipal Court Judge Brian Holman.
4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 8:25 p.m. on Monday, October 20, 2008.

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

(Agenda Item H)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:28 p.m. on Monday, October 20, 2008, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve the amendments to Municipal Court Judge Brian Holman’s contract. The motion carried.

There was no further action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item I)

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:29 p.m. on Monday, October 20, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 3rd day of November, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY