

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 2, 2009

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 – 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 Carey at 6:00 p.m. on Monday, February 2, 2009, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

Discussion of Old Town Planning Proposals

(Agenda Item A)

City Manager Claude King and Economic Development Director Nika Reinecke presented the following PowerPoint Presentation:

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Old Town Planning Proposals
(cont'd)**

(Agenda Item A)

Purpose

- ▶ To create a cohesive, integrated “Urban Design Plan” that will guide future streetscaping, pedestrian/vehicular access, parking, utility improvements, way-finding/signage and connectivity in three separate areas of Old Town: the DCTA TOD area, the Mill Street Corridor, and the Downtown Plaza area.
- ▶ The resulting plans would be used to develop phasing/funding schedules and as a starting point for construction design for public improvements.

Method

- ▶ Community Stakeholder involvement, four day charette process, open house presentation of multiple alternatives.

Why

- ▶ Public infrastructure improvements are always critical to redevelopment opportunity and stimulation. Avoiding a “hodge-podge” or “ad-hoc” approach improves effectiveness of the improvements, helps prioritize resources and builds community involvement/support for aesthetic change in the areas.

Plaza/TOD/Mill St “Urban Design Plan” Contract

Phase 1	Organization, kickoff, data	40,000
Phase 2	Conceptual/alternative plans	80,000
Phase 3	Final plan (TOD)	78,000
Phase 4	Final Plan (Mill Street)	<u>60,000</u>
		\$258,000

Plaza Pedestrian Improvements Contract

Phase 1	Organization, data	Included Above
Phase 2	Conceptual/alternative	Included Above
Phase 3	Final plan (Plaza)	76,500
Detailed Site Survey		<u>62,000</u>
		\$138,500

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Old Town Planning Proposals
(cont'd)**

(Agenda Item A)

Plaza Pedestrian Improvements Contract

Phase 5	Final Design/Construction Est.	\$ TBD
Phase 6	Construction Documents	\$ TBD
Phase 7	Bid/Negotiation	\$ TBD
Phase 8	Construction Monitoring/Warranty	\$ TBD

Discussion held regarding how the bidding process was handled. Ms. Reineke advised this firm had been selected due to their experience in these types of areas and with national areas.

Ms. Reineke stated that while only the plaza project has to be acted on at this time, she recommended that they all be done at this time in order to foster community involvement and keep the funding.

Councilman Ueckert questioned when the contract had been negotiated. City Manager King advised that it had been done within the last month. He further advised that the bid had come in much higher and City staff had been able to renegotiate the contact costs down.

WORKSHOP SESSION – 6:30 P.M.

**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, Presentation: Presentation of the Texas Recreation and Parks Society Advocate of the Year Award to Rena and Carl Steelman of United Financial Services. 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 Carey reviewed Agenda Item D, Public Hearing: Consideration of a Zone Change Request From Agriculture Open Space (AO) to Public Use (PU) on a 13.46 Acre Tract Located on the North Side of Country Ridge Road Where Country Ridge Road Intersects With McCart Drive and is Bounded by Business State Highway 121 to the West; Further Identified as Tract 15 of the W. Hunter Survey, Abstract 552; as Requested by the Lewisville Independent School District (Case No. PZ20090101). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item F-1, Approval of Minutes: City Council Minutes of the January 26, 2009, Workshop Session and Regular Session. There was no discussion on this matter.

Mayor Carey reviewed Agenda Item F-2, Approval of Revisions to Administrative Policy 2.12.8 Family and Medical Leave (FMLA). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Authorization to Solicit Donations to the 2009 Lewisville Public Library Summer Reading Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of a Professional Services Agreement With C&P Engineering, Ltd., in the Amount of \$164,957 for Services Relating to Waterline Replacements 2009; Approval of a Total Project Design Amount of \$169,906, Which Includes \$4,949 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$258,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of an Appropriation From General Fund Reserves in the Amount of \$222,000; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-6, Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-7, Consideration of an Amended Final Plat for Lots 72-78, Block B, Villas at Wellington, Phase 2 Located Near the Northeast Corner of Bellaire Boulevard and Valley Parkway; and a Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to Screening Wall Materials, and Location and Sidewalk Location as Requested by the Developer. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Tabled Item: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Establishing the Minimum Standards for Installation of Irrigation Systems Within the Corporate Limits of the City and its Extraterritorial Jurisdiction. City Manager King advised that per City Council direction, staff had changed the ordinance to affect commercial properties only, not residential unless they change something in their systems. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Tabled Item: Consideration of a Resolution Regarding the Naming of the Proposed DCTA Lewisville Lake Station. (Requested by Mayor Carey) Councilman Ueckert requested that DCTA lobby to make sure that the exit sign for this station reads Highland Village/Lewisville Lake Station. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of a Resolution Evidencing the Need for and Support of Building an Affordable Senior Living Community; and Authorizing Vista Ridge Senior Community L.P. to Apply to the Texas Department of Housing and Community Affairs for Funding for Senior Housing to be Built in Lewisville. City Manager King advised that the resolution had been drafted by Churchill Residential, Inc., and followed Texas Department of Housing guidelines. He explained basically the resolution says that the City Council agrees there is a need for rental housing for seniors and is encouraging support of this project. City Manager King stated that there may be at least one other possible application in the works for this type of project. Discussion was held that the proponent does not have the zoning at this time, nor does passage of this resolution grant the zoning, this would just be a blessing for them to apply for funds. Councilman Ueckert questioned if the proponent had been advised that the City will still expect payment in lieu of taxes. City Manager King stated that had been communicated. Further discussion was held that the residents of this facility could be restrict by age and income. There was no further discussion.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item G-11, Consideration of a Resolution Supporting CAPP 2009 Legislative Agenda. City Manager King pointed out that CAPP has a section of the legislative agenda regarding concerns the City Council has received from residents that would allow them to form a citizen aggregation where they could do the same thing the Cities can do in terms of them getting together and going out as a group and getting a better deal. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of a Resolution Supporting the Continued Operation of the Old Town Post Office as Requested by City Councilman Dean Ueckert; and Direction Concerning Additional Staff Efforts to Gain Support for the Continued Operation of the Old Town Post Office by the U.S. Postal Service. Discussion was held by the City Council that they wanted a Post Office kept in the Old Town area, regardless of where it was located. There was no further discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:50 p.m. on Monday, February 2, 2009.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Carey at 7:00 p.m. on Monday, February 2, 2009, 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, Deputy Mayor Pro Tem Watts gave the pledge to the flag.

PRESENTATION: Presentation of the Texas Recreation and Parks Society Advocate of the Year Award to Rena and Carl Steelman of United Financial Services

(Agenda Item C)

Mayor Carey presented the Texas Recreation and Parks Society Advocate of the Year Award to Rena and Carl Steelman of United Financial Services.

Public Hearing: Consideration of Ordinance No. 3645-02-2009(Z) for a Zone Change Request From Agriculture Open Space (AO) to Public Use (PU) on a 13.46 Acre Tract Located on the North Side of Country Ridge Road Where Country Ridge Road Intersects With McCart Drive and is Bounded by Business State Highway 121 to the West; Further Identified as Tract 15 of the W. Hunter Survey, Abstract 552; as Requested by the Lewisville Independent School District (Case No. PZ20090101)

(Agenda Item D)

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. Agriculture Open Space has 100 foot setbacks in all directions which severely restricts placement of buildings on the property. The proposed use for this site is an elementary school with a playground and enough room for future expansion. There will be no direct access to Business S.H. 121. The site will be accessed from McCart and Country Ridge roads. The change in zoning will allow LISD to use the property more effectively and follows the latest practice of having the school district zone their property to Public Use which better conforms with the actual use of the property. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 7-0 at their January 6, 2009 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Agriculture Open Space (AO) to Public Use (PU).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Von Beougher, P.E., G&A Consultants, Inc., were both present to respond to any questions posed by the City Council.

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 13.46 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agriculture Open Space (AO) District Zoning to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3645-02-2009(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

John Pinchet, 4228 Newton Street, The Colony, spoke before the City Council on behalf of the Boy Scouts. He advised that the Boy Scouts would be scouting for food on Saturday February 14th.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

Mayor Carey advised that the following items would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 5 – Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$258,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of an Appropriation From General Fund Reserves in the Amount of \$222,000; and Authorization for the City Manager to Execute the Contract.
2. Consent Agenda item No. 6 - Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract.

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 and adopt all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the January 26, 2009, Workshop Session and Regular Session.
2. Approval of Revisions to Administrative Policy 2.12.8 Family and Medical Leave (FMLA).
3. Authorization to Solicit Donations to the 2009 Lewisville Public Library Summer Reading Program.
4. Approval of a Professional Services Agreement With C&P Engineering, Ltd., in the Amount of \$164,957 for Services Relating to Waterline Replacements 2009; Approval of a Total Project Design Amount of \$169,906, Which Includes \$4,949 for Contingencies; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$258,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of an Appropriation From General Fund Reserves in the Amount of \$222,000; and Authorization for the City Manager to Execute the Contract

(Consent Agenda Item F-5)

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The Old Town TIF Board also directed staff to look at developing a Transit Oriented Development Plan (TOD) for future developments around the new rail station and the Mill Street Corridor. A comprehensive scope of services is proposed to create a cohesive urban design plan for the larger downtown area and engage all stakeholders in the process. Funding related to the plaza portion of this project (\$36,000) is available in the Old Town Plaza Capital Improvements Project.

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$258,000; approval of an appropriation from General Fund in the amount of \$222,000; and authorize the City Manager to execute the contract.

Councilman Ueckert stated that he thinks this is a great project and needs to be done. He requested, due to the current economic situation, that City staff go back to Design Workshop Inc., and see if any of the costs can be trimmed off of the two agreements and brought back to City Council.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to table Consent Agenda No. 5 and 6 to the February 16, 2009, City Council meeting. The motion carried.

Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract

(Consent Agenda Item F-6)

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The proposed design process is to engage the stakeholders including residents, business owners, council, boards, staff, TXDOT, other applicable agencies throughout the process so that consensus is reached and issues are resolved prior to construction. Funding is available in the Old Town Plaza Capital Improvements Project.

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$138,500; and authorize the City Manager to execute the contract.

(See motion for Consent Agenda Item F-5)

Consideration of an Amended Final Plat for Lots 72-78, Block B, Villas at Wellington, Phase 2 Located Near the Northeast Corner of Bellaire Boulevard and Valley Parkway; and a Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to Screening Wall Materials, and Location and Sidewalk Location as Requested by the Developer

(Agenda Item G-7)

The subject property is platted for seven (7) townhouse lots within the Villas at Wellington, Phase 2. In order to save a row of large trees, the developer and builder, Portrait Homes, constructed the screening wall and sidewalk in an alternate location and has submitted an amended final plat and three variances for these lots. The following variances are being requested: A) to allow up to a maximum of 40% non masonry materials for the screening wall where lots back up to Valley Parkway; B) to allow a public screening wall on private property within an easement adjacent to Valley Parkway; and, C) to allow portions of a public sidewalk to be placed on private property within an easement. The amended plat revises the width of the

private drainage easement along the backs of the lots, revises the width of the public wall maintenance easement, adds a 4-foot pedestrian access easement across the backs of the lots, and adds a 4-foot utility easement along the north property line. The Planning & Zoning Commission recommended approval of the amended plat and variances (6-0) at their January 20, 2009 meeting.

The City staff's recommendation was that the City Council approve the amended plat and requested variances.

David Salmon, P.E., Assistant City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the amended Final Plat for Lots 72-78, Block B, Villas at Wellington, Phase 2 located near the northeast corner of Bellaire Boulevard and Valley Parkway; and approve the following three variances to the Lewisville City Code - Chapter 6, Land Development Relating to Screening Wall Materials, and Location and Sidewalk Location as requested by the developer: A) to allow up to a maximum of 40% non masonry materials for the screening wall where lots back up to Valley Parkway; B) to allow a public screening wall on private property within an easement adjacent to Valley Parkway; and, C) to allow portions of a public sidewalk to be placed on private property within an easement. The motion carried.

Tabled Item: Consideration of Ordinance No. 3646-02-2009 Amending the Lewisville City Code, Chapter 6, Establishing the Minimum Standards for Installation of Irrigation Systems Within the Corporate Limits of the City and its Extraterritorial Jurisdiction

(Agenda Item G-8)

This item was tabled at the January 26, 2009, City Council meeting in order for staff to obtain additional information. Section 401.006 of the Texas Local Government Code requires a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city's extraterritorial jurisdiction. The new ordinance incorporates new licensing and installation requirements in addition to the practices already in place being performed by the Building Codes Division.

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

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 6, Article IV, Section 4-112, of the Lewisville City Code; by Establishing the Minimum Standards for Installation of Irrigation Systems Within the Corporate Limits of the City and Its Extraterritorial Jurisdiction; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency. “

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 and adopt **Ordinance No. 3646-02-2009**, as captioned previously. The motion carried.

**Tabled Item: Consideration of Resolution
No. 3647-02-2009 Regarding the Naming of
the Proposed DCTA Lewisville Lake Station
(Requested by Mayor Carey)**

(Agenda Item G-9)

This item was tabled on January 26, 2009 by City Council who requested a modification of the resolution. Discussion between Lewisville and Highland Village has been ongoing regarding the name of the Lewisville Lake Station located on Garden Ridge Boulevard and IH35E. On November 11, 2008, the City of Highland Village passed a resolution to be forwarded to DCTA for formal action proposing the name of this station be changed from Lewisville Lake Station to “Highland Village/Lewisville Lake Station.” On December 1, 2009, Lewisville Council recommended the name of the station to remain as “Lewisville Lake Station” with secondary signage to include the “Highland Village” name. Additional discussion of the station name occurred at the December 2008 DCTA Board of Directors meeting. On January 5, 2009, the mayors and city managers of Lewisville and Highland Village met to discuss the naming issue. On January 13, 2009, Highland Village Council passed a second resolution recommending the name of the station be “Highland Village/ _____ Station, with the second wording to be determined by the City of Lewisville.

The City staff's recommendation was that the City Council consider the name for the DCTA Lewisville Lake Rail Station; adopt a resolution; and provide direction to staff.

Discussion regarding this request was held by the City Council. The consensus of the City Council was to include verbiage in the resolution that should a station be built within the corporate limits of Highland Village, that station would be called Highland Village Station and this station will be changed to Lewisville station. In addition, discussion was held regarding DCTA working with TxDOT to make sure the full name of the station, "Highland Village/Lewisville Lake Station" be included on I-35 signage.

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 **Resolution No. 3647-02-2009(R)**, naming the proposed DCTA Lewisville Lake Station to Highland Village/Lake Lewisville Station, that if a station is ever built within the City limits of Highland Village that station would be called Highland Village Station and this station will be changed to Lewisville Station; and requesting that DCTA work with TxDOT to make sure the full name of the station, "Highland Village/Lewisville Lake Station" be included on I-35 signage. The motion carried.

Consideration of Resolution No. 3648-02-2009(R) Evidencing the Need for and Support of Building an Affordable Senior Living Community; and Authorizing Vista Ridge Senior Community L.P. to Apply to the Texas Department of Housing and Community Affairs for Funding for Senior Housing to be Built in Lewisville

(Agenda Item G-10)

Churchill Residential, Inc. and Vista Ridge Senior Community, L.P. have proposed a new development of senior housing at approximately 425 Highland Drive on the northeast quadrant of Highland Drive and Rockbrook Drive. The proposed development is to be named Evergreen at Vista Ridge Senior Living community. In order to help provide funds and secure necessary financing approvals, Vista Ridge Senior Community L.P. will apply for available HOME funds from the Texas Department of Housing and Community Affairs (TDHCA). The TDHCA requires that the applicant obtain permission from the City Council to submit the application.

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

Brad Forslund, 5606 N. MacArthur Blvd, Suite 580, Irving, Texas, with Churchill Residential, Inc., spoke before the City Council regarding this request.

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. 3648-02-2009(R)**, evidencing the need for and support of building an affordable senior living community; and authorizing Vista Ridge Senior Community, L.P., to apply to the Texas Department of Housing and Community Affairs for funding for senior housing to be built in Lewisville. The motion carried.

Consideration of Resolution No. 3649-02-2009(R) A Resolution of the City Council of the City of Lewisville, Texas, Endorsing Certain Legislative Changes to Enhance the Competitive Electric Market Supported by Cities Aggregation Power Project, Inc.

(Agenda Item G-11)

The City of Lewisville is a member of Cities Aggregation Power Project, Inc. (CAPP). The CAPP Board of Directors has voted to authorize certain legislative efforts on behalf of its members during the 81st Texas Legislative Session. CAPP will capitalize on the presence its members established in the last three legislative sessions to apprise legislators of CAPP Cities' perspective on electric issues and to recommend legislative action. The CAPP Board recommends that each CAPP member approve a resolution supporting the CAPP 2009 legislative agenda and forward the signed resolution to senators and representatives in their area.

The City staff's recommendation was that the City Council approve a resolution supporting CAPP 2009 Legislative Agenda.

At the request of Mayor Carey, City Manager Claude King reviewed this agenda item.

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 approve **Resolution No. 3649-02-2009(R)**, as previously captioned. The motion carried.

Consideration of Resolution No. 3650-02-2009(R) Supporting the Continued Operation of the Old Town Post Office as Requested by City Councilman Dean Ueckert; and Direction Concerning Additional Staff Efforts to Gain Support for the Continued Operation of the Old Town Post Office by the U.S. Postal Service

(Agenda Item G-12)

Staff earlier met with representatives of the U.S. Postal Service concerning continued operation of the Old Town Post Office. Staff was informed that, during the period of time that gas prices were having a negative financial impact on postal service operational cost, cost saving options including facility closures were discussed. The closure of the Old Town post office was included due to the level of utilization of the facility and the fact it is located in a rented building. No decision has been made by the U.S. Postal Service to date concerning closure of the facility. Councilman Dean Ueckert requested that a resolution be drafted supporting continued operation of the facility. In addition, staff is seeking direction on any other staff efforts the City Council may wish be made to keep the facility open.

The City staff's recommendation was that the City Council consider a resolution supporting the continued operation of the Old Town Post Office as requested by City Councilman Dean Ueckert; and provide direction concerning additional staff efforts to gain support for the continued operation of the Old Town Post Office by the U.S. Postal Service.

Councilman Ueckert reviewed this item and advised that it was not necessarily that the Post Office needed to stay in its current location, but that he would like for it to maintain a presence in the Old Town area. He requested that City staff prepare a letter for residents to pick up and send to their representatives to request the Post Office maintain an office in the Old Town Area. Councilman Ueckert further advised that he was willing to pay for the cost of the paper for residents to pick up if the letter if they would like to sign and then forward it to their representatives.

City Manager Claude King clarified that City staff would change wording on the resolution to indicate that the desire was for the Postal Service to keep an Old Town Post Office presence, not specifically where it was currently located.

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 **Resolution No. 3650-02-2009(R)**, supporting the continued presence of an Old Town Post Office, as requested by City Councilman Dean Ueckert; and directed City staff to prepare a letter to be sent to the City’s representatives and one for residents to pick up and send to their representatives in an effort to gain support for the continued presence of an Old Town Post Office by the U.S. Postal Service. The motion carried.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:40 p.m. Monday, February 2, 2009, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:40 p.m. on Monday, February 2, 2009, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 7:59 p.m. on Monday, February 2, 2009.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:59 p.m. on Monday, February 2, 2009, in the Council Chambers of the Lewisville City Hall.

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

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Mayor Pro Tem Thornhill 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 8:00 p.m. on Monday, February 2, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of March, 2009.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY