

LEWISVILLE CITY COUNCIL

REGULAR SESSION

DECEMBER 15, 2008

Present:

Gene Carey, Mayor

Council Members:

David Thornhill, Mayor Pro Tem
Lathan Watts, Deputy Mayor Pro Tem
Greg Tierney (absent)
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 – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:30 p.m. on Monday, December 15, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

(Agenda Item A

Mayor 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 “Certificate of Achievement for Excellence in Financial Reporting” Award. 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 A

Mayor Carey reviewed Agenda Item D, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 0.189 Acre Tract Located at Auto Expo, 857 East Main Street; Further Identified as A. G. King Survey, Abstract 698; as Requested by Sami Hamed on Behalf of Charlie Waite, the Property Owner (Case No. PZ20081123). 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 December 1, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of Acceptance of the 2008 Homeland Security Grant Program's UASI Grants; Approval of a Supplemental Appropriation in the Amount of \$35,000 to the FY 2008-2009 Grant Fund to Fund Regional Interoperability and Video Conferencing Technology; and Authorization for Mayor Carey to Execute the Sub-Recipient Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of a Bid Award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the Amount of \$774,348.13; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of an Agreement for Street Lighting Service With Oncor Electric Delivery Company. 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 A

Mayor Carey reviewed Agenda Item F-6, Approval of a Change Order in the Amount of \$27,225 for Architectural Work Related to Space Reallocation for a Black Box Theatre and Other Related Design Changes. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-7, Tabled Item: Consideration of a Variance to the Lewisville City Code, Section 6-95(b) Regarding Water and Sanitary Sewer Easement Setbacks; and Consideration of a Conceptual Variance to the Lewisville City Code, Section 6-98(d)(2)(b) Regarding Paving Over a Waterline Easement For a Project Located on Both Sides of Vista Drive North of Round Grove Road, as Requested by Steve Homeyer, P.E., Representing the Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3, Animals, Regarding Definitions, Prohibited Sales, Animal as Prizes, Promotions and Novelties, Transportation of an Animal in an Open Bed of a Vehicle, and Unlawful Restraint of Dogs. Mayor Carey reviewed the discussions and presentations that had been made to the Animal Services Advisory Committee regarding this item. He advised that this was not something that had been thrown together, but reviewed extensively. He requested that the City Council consider all the hard work that had gone into the proposed ordinance. Discussion was held regarding tethering animals. Health and Code Manager Sherry Harper advised that State Code passed in 2007 had provisions for tethering that allow tethering as long as the animal can move with something that is not a fixed object. She further advised that was part of what the proposed ordinance was trying to accomplish. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104(a) Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Third and Final Reading: Consideration of Three Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Tabled Item: Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee. 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 A)

Mayor Carey reviewed Agenda Item G-12, Consideration of a Resolution Finding That Texas-New Mexico Power 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 H, Reports. There was no discussion on this item.

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

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:38 p.m. on Monday, December 15, 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, December 15, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Mayor Pro Tem Thornhill 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
“Certificate of Achievement for Excellence in
Financial Reporting” Award**

(Agenda Item C)

Mayor Carey introduced Karen Rhodes who read and presented a “Certificate of Achievement for Excellence in Financial Reporting” award to City of Lewisville Accounting and Audit Manager, Brenda West.

**PUBLIC HEARING: Consideration of
Ordinance No. 3634-12-2008(Z) for a Zone
Change Request From General Business
(GB) to Light Industrial (LI) on a 0.189 Acre
Tract Located at Auto Expo, 857 East Main
Street; Further Identified as A. G. King
Survey, Abstract 698; as Requested by Sami
Hamed on Behalf of Charlie Waite, the
Property Owner (Case No. PZ20081123)**

(Agenda Item D)

The property is located at 857 East Main Street south of SH 121. The property is currently zoned General Business (GB) which allows automotive display, sales and repair, but does not allow a body shop which is what the applicant wishes to do at that location. The area is currently a mix of predominantly Light Industrial zoning with a little bit of General Business zoning. The property is blocked from view from SH 121 by the building directly in front of it. The requested zoning would be in keeping with the surrounding area along SH 121. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their November 18, 2008, 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 General Business (GB) to Light Industrial (LI).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager was present to respond to any questions posed by the City Council.

Sami Hamed, 1033 Cornell Drive, Carrollton, TX 75007, spoke before the City Council to request this variance and offered to address any questions posed before the City Council.

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

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 0.189 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From General Business (GB) District Zoning to Light Industrial (LI) 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 Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3634-12-2008(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

1. **APPROVAL OF MINUTES:** City Council Minutes of the December 1, 2008, Workshop Session and Regular Session.
2. Approval of Acceptance of the 2008 Homeland Security Grant Program's UASI Grants; Approval of a Supplemental Appropriation in the Amount of \$35,000 to the FY 2008-2009 Grant Fund to Fund Regional Interoperability and Video Conferencing Technology; and Authorization for Mayor Carey to Execute the Sub-Recipient Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item F)

3. Approval of a Bid Award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the Amount of \$774,348.13; and Authorization for the City Manager to Execute the Contract.
4. Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500.
5. Approval of an Agreement for Street Lighting Service With Oncor Electric Delivery Company.
6. Approval of a Change Order in the Amount of \$27,225 for Architectural Work Related to Space Reallocation for a Black Box Theatre and Other Related Design Changes.

The motion carried.

END OF CONSENT AGENDA

Tabled Item: Consideration of a Variance to the Lewisville City Code, Section 6-95(b) Regarding Water and Sanitary Sewer Easement Setbacks; and Consideration of a Conceptual Variance to the Lewisville City Code, Section 6-98(d)(2)(b) Regarding Paving Over a Waterline Easement For a Project Located on Both Sides of Vista Drive North of Round Grove Road, as Requested by Steve Homeyer, P.E., Representing the Owner

(Agenda Item G-7)

This item was tabled at the December 1, 2008 City Council meeting. City staff met with Mr. Homeyer and the property owner on December 3, 2008 and the property owner indicated that he would comply with the ordinance.

The City staff's recommendation was that the City Council table this item indefinitely at the request of the proponent.

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

**Consideration of an Ordinance Amending
the Lewisville City Code, Chapter 3,
Animals, Regarding Definitions, Prohibited
Sales, Animal as Prizes, Promotions and
Novelties, Transportation of an Animal in an
Open Bed of a Vehicle, and Unlawful
Restraint of Dogs**

(Agenda Item G-8)

In early 2007, the Animal Services Advisory Committee began receiving and discussing requests for ordinance revisions to enhance public safety and the quality of life for animals in the city. Requests specifically received include a ban on tethering dogs in the city, a prohibition on transporting unrestrained/unconfined animals in the open bed of vehicles, a prohibition on auctioning pets or using animals as incentives to enter a business, and a prohibition on selling animals along the roadside and in business parking lots. The proposed ordinance revisions reflect the recommendations of the Committee for consideration by Council. The Animal Services Advisory Committee voted unanimously 7-0 at their April 29, 2008 meeting to develop ordinance revisions for presentation for Council consideration.

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

Sherry Harper, Health and Code Manager, spoke before the City Council and reviewed the memo contained in their backup material that explained the reasons for the proposed ordinance changes. Discussion was held regarding the sale or giving away of puppies was only referring to public areas, not private homes. Further discussion was held regarding if the owner was outside in the front yard with a tethered animal without the fence requirement would that be a violation of the proposed ordinance. Ms. Harper advised that the owner would have to have the animal leashed or meet the provisions of the tethering and fencing requirements. Assistant City Attorney Liz Plaster advised that the section would only apply if the animal was not attended. Further discussion was held regarding what "attended" would mean. City Attorney Ron Neiman stated that it would have to be within a reasonable area of control and that would have to be determined based on the circumstances.

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Rhonda Hurst, 604 Sellmeyer, Highland Village, Texas handed out a packet of information regarding her presentation in favor of the proposed ordinance.

Nick Rudolph, 421 Windwood Drive, Lewisville, Texas, Animal Services Advisory Committee, spoke before the City Council and reviewed his reasons for being in support of the proposed ordinance.

Patty Castleberry, 1073 Cornell Drive, Carrollton, Texas 75010, spoke before the City Council in favor of the proposed ordinance.

Mayor Carey advised the following individuals had filled out position cards in support of the proposed ordinance:

Diane Brown, 901 Meadow Drive, Copper Canyon, Texas – Coppell Humane Society
Dawn Bearrows, 5213 timber Creek Road, Flower Mound, Texas 75028
Jenny Baker, 3504 Longview Drive, Corinth, Texas 76210 – Hope Human Society
Melanie Konopa, 2307 Smoky Hill Road, Carrollton, Texas 75006–Hope Human Society
Marni Carter, 628 Johnson Drive, Coppell, Texas 75019 – Hope Humane Society
Jacque Challman
Carolyn Edgmon, 9832 Angel Bend road, Denton, Texas 76208 – DFW Collie Rescue
Dana Coker, 3205 Weeping Willow Court, McKinney, Texas 75070
Thomas Gilmore, 724 Juniper Lane, Lewisville, Texas 75077
Vickie Hayes, 1908 Rosebud Crt, Flower Mound, Texas-Save the Animal Rescue Society
Margaret Addison, 1148 Whispering Trail, Lewisville, Texas 75067-Hope Humane

Discussion was held regarding the proposed ordinance. Ms. Harper advised that some of the amendments were due to changes in State law and an attempt to bring City Code in compliance with those changes. Further discussion was held regarding permits that have been issued to sell animals and where these locations were.

The consensus of the City Council was to vote on the items separately due to the apparent split vote pursuant to both Councilman Durham and Deputy Mayor Pro Tem Watts' statements that they were not in support of the changes regarding transportation in an open vehicle or the restraint of an animal, as they felt it was an owner's right to decide.

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 3, Animals, of the Lewisville City Code; by Clarifying the Definition of At Large or Running At Large; by Prohibiting the Unlawful Restraint of Dogs; by Prohibiting the Sale of Animals From Public Property and any Property to Which the Public has Access That Does not Have a Valid Certificate of Occupancy Allowing the Sale of Animals on the Property; by Prohibiting the Use of Animals as Prizes, Promotions and Novelties; by Prohibiting the Transportation of Animals in the Open bed of a Vehicle; 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 Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to amend the Lewisville City Code, Chapter 3, Article I, Section 3-1, Animals, Definitions, as presented in the proposed ordinance. The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to amend the Lewisville City Code, Chapter 3, Article I, Section 3-7, Animals, Prohibited Sales, as presented in the proposed ordinance. The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to amend by inserting into the Lewisville City Code, Chapter 3, Article I, Section 3-8, Animals as Prizes, as presented in the proposed ordinance. The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Ueckert, Mayor Pro Tem Thornhill, and Mayor Carey casting the yes votes and Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to amend by inserting into the Lewisville City Code, Chapter 3, Article I, Section 3-9, Transportation of an Animal in an Open Bed of a Vehicle, as presented in the proposed ordinance. The motion carried.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Ueckert, Mayor Pro Tem Thornhill, and Mayor Carey casting the yes votes and Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to amend the Lewisville City Code, Chapter 3, Article I, Section 3-64, Unlawful Restraint of Dogs, as presented in the proposed ordinance. The motion carried.

City Attorney Ron Neiman advised that due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be brought back for two additional reads to meet the City Charter requirements. He further clarified that unless a City Council Member wanted to change their vote from "ayes" to "nay," only the caption would be read.

Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104(a) Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street

(Agenda Item G-9)

At the December 1, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

The City staff's recommendation was that the City Attorney provide the second reading of the ordinances.

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

"An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-104(a), of the Lewisville City Code; Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date."

This was the second reading of this ordinance. There was no action required on this item.

Third and Final Reading: Consideration of Ordinance No. 3635-12-2008; Ordinance No. 3636-12-2008; and Ordinance No. 3637-12-2008 Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets

(Agenda Item G-10)

At the November 17, 2008, City Council meeting, the Council approved the subject ordinances. However, due to the lack of a 4/5's vote by the Council to adopt the ordinances on an emergency basis, the ordinances have to be read on three separate days to meet the City

Charter requirements. This will be the third and final reading. The ordinances will become effective December 29, 2008.

The City staff's recommendation was that the City Attorney provide the third and final reading of the ordinances.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-104(a)., of the Lewisville City Code; Restricting Operation of Trucks with More Than Two Axles From Certain Portions of College Parkway; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date.”

and

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-104(a)., of the Lewisville City Code; Restricting Operation of Trucks with More Than Two Axles From Certain Portions of Corporate Drive; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date.”

and,

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-104(a)., of the Lewisville City Code; Restricting Operation of Trucks with More Than Two Axles From Certain Portions of High School Drive; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date.”

This was the final reading of the ordinances. No motion was necessary.

**Tabled Item: Consideration of Appointment
to Place No. 1 on the Old Town Design
Review Committee**

(Agenda Item G-11)

This item was tabled at the November 17, 2008, City Council meeting in order to give Council adequate time to review applications for the vacant position. The resignation of Sarah Jo Jackson has created a vacancy in Place No. 1 of the Old Town Design Review Committee.

The City staff's recommendation was that the City Council consider an appointment to fill the vacancy on the Old Town Design Review Committee.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, with Mayor Pro Tem Thornhill casting the negative vote, the Council voted three (3) "ayes" and one (1) "nays" to appoint Ed Resh to Place No. 1 on the Old Town Design Review Committee. The motion carried.

Consideration of Resolution No. 3638-12-2008(R) Finding That Texas-New Mexico Power 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 G-12)

Texas-New Mexico Power Company (TNMP) filed an application on or about August 29, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. The company asks the City to approve a 24% increase in residential rates and a 79% increase in street lighting rates. The Company is also proposing significant (i.e. 24-33%) decreases for commercial customers. According to TNMP, annual rates would increase by approximately \$78 for an average residential customer. On September 15, 2008 Council approved a resolution suspending the effective date for the requested rate change for 90 days. The resolution denies the Company's requested rate increase and requires that the Company's current rates be maintained for all customers within the City.

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 Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 3638-12-2008(R)** finding that Texas-New Mexico Power 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; and requiring notice of this Resolution to the company and legal counsel. The motion carried.

Reports

(Agenda Item H)

- Quarterly Investment Report for Period Ending September 30, 2008.
- Follow-up to Holiday at the Hall Event was done by James Kunke

There were no additional reports at this time.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:34 p.m. on Monday, December 15, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 5th day of January, 2009.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY