

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 26, 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
Liz Plaster, Assistant City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:00 p.m. on Monday, January 26, 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 Legislative Priorities

(Agenda Item A)

Assistant City Manager Donna Barron conducted the following PowerPoint Presentation regarding Legislative Priorities:

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Important Dates

- November 10, 2008
 - Pre-Filing of Bills Begins
- January 13, 2009
 - 81st Legislature convenes at noon
- February 9-11, 2009
 - Denton County Days
- March 13, 2009
 - Final Day to File Bills
- June 1, 2009
 - Last day of Session
- June 21, 2009
 - Last day Governor can sign or veto Bills

Role of Texas Municipal League

- TML will not lobby for bills on which cities disagree
- TML lobby efforts will be placed on such issues as appraisal caps, annexation, and various transportation issues
- Lewisville's prior legislative priorities have supported the TML efforts and focused on some issues unique to Lewisville

Legislative Priorities: Appraisal Caps/Property Tax Limitations

- Four Interim Committees studied appraisals or property tax limitations
 - Senate Finance Subcommittee on Property Appraisal and Revenue Caps
 - Quarter cent sales tax authorization for property tax relief; rollback rate drops to 5%
 - Review process by which local taxing units calculate effective tax rate
 - Continue studying policy implications of lowering current appraisal caps

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Legislative Priorities: Appraisal Caps/Property Tax Limitations

- House Local Govt Ways & Means Committee
 - Does not recommend more public hearings
 - Cities should do more to get residents to interact on budget issues
 - Cities should have to mail a notice to all property owners between time preliminary budget is adopted and tax rate is adopted
 - Public hearing notice language should be simplified by the legislature

Legislative Priorities: Appraisal Caps/Property Tax Limitations

- House Select Cmt on Prop Tax Relief/Appr Reform
 - Changes to publication of proposed rates
 - Include prediction of fund balances for next 2 years
- House Committee on Appropriations
 - *Recommendations not yet released*

Legislative Priorities: Appraisal Caps/Property Tax Limitations

- A number of bills already introduced that will lower appraisal cap (current cap 10%)
- TML will likely represent its membership on these issues
- **Staff Recommendation:** Support any bills that improve the current appraisal process; Oppose any bills that lower appraisal cap; oppose any bills that compromise the current truth-in-taxation law or require additional cost.
- City Council passed resolution supporting RTC legislative program at January 5 meeting

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Legislative Priorities: Transportation

- Rail North Texas
 - Creates transportation funding area
 - Allows an election to be called by area to levy fees or taxes from a menu of options (above and beyond existing allowances)
- Increased Transportation Funding
 - End diversion of transportation funding to non-transportation purposes
 - Assure that all transportation fees placed in Mobility Fund or State Highway Fund

Legislative Priorities: Transportation

- City Council passed resolution supporting RTC legislative program at January 5 meeting
 - Rail North Texas
 - Creates transportation funding area
 - Allows an election to be called by area to levy fees or taxes from a menu of options (above and beyond existing allowances)
 - Increased Transportation Funding
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 - Assure that all transportation fees placed in Mobility Fund or State Highway Fund

Legislative Priorities: Transportation

- **Staff Recommendation:** Support bills that increase transportation funding; support bills that protect current revenue streams such as the Motor Fuels Sales Tax for transportation purposes

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Legislative Priorities: Sales Tax Sourcing

- In 2006, the Comptroller's Office re-designated the tax situs for certain warehouses as places of business for purposes of redistributing local sales tax revenue among taxing jurisdictions;
- The Comptroller's Office took away sales tax earned in the prior four years even though no law exists that specifically allows this;
- A group of cities, including Lewisville, filed a suit on this issue in 2007; suit is pending

Legislative Priorities: Sales Tax Sourcing

- House Local Govt Ways & Means Committee
 - Looked at issue during interim period
 - Recommends cities develop revenue sharing agreements amongst themselves to account for the costs spent by each city to host a part of the company (i.e. warehouse or store front) in their city
 - They claim this is similar to ED 380 agreements
 - Recommends legislature better define 'order' in the law dealing with number of sales at a location

Legislative Priorities: Sales Tax Sourcing

- TML will only support a bill to fix the issue if cities are in agreement; a group of cities, including Grand Prairie, are working on a bill but no final draft is available to date
- **Staff Recommendation:** continue to be involved with the drafting of legislation and then support the bill that would require that sales tax go to the city in which the bricks and sticks store is located and in which the sale is made (origin); support a bill that limits the ability of the Comptroller's Office to go back 4 years for corrections

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Legislative Priorities: Employment Issues

- Likely will see an attempt to expand “meet and confer” rights to public safety employees creating a bargaining environment ; attempts to expand health benefits and leave benefits are made each session; TMRS has proposed legislative package designed to stabilize city contribution rates by establishing a larger reserve fund and make other financial changes to further stabilize the employer fund
- **Staff Recommendation:** Oppose all attempts to take away local option in deciding pay and benefit issues; support the TMRS package

Legislative Priorities: Immigration

- Various bills will likely be introduced to deal with immigration concerns; HB 49 already introduced which would make the presence of an undocumented person on public or private grounds a criminal offense.
- **Staff Recommendation:** Monitor. Some of these bills may represent a new ‘burden’ to local government; others may provide useful tools. Much depends on what, if anything, moves close to passage.

Legislative Priorities: Sex Offender Residency Restrictions

- City Council passed as ordinance on January 28, 2008 to prevent sex offenders whose victims were minors at the time of the offense from living within 1500 ft of a school, daycare, playground and other public place where children gather.
- Bills may be introduced that will attempt to make this type of restriction statewide
- **Staff Recommendation:** Support any bill that would make sex offender residency requirements consistent statewide

WORKSHOP SESSION – 6:00 P.M.

Discussion of Legislative Priorities (cont'd)

(Agenda Item A)

Legislative Priorities: Hotel/Motel Tax

- Last several Legislative Sessions, Lewisville has supported any bill that would eliminate the hotel tax exemption for stays in excess of 30 days
 - Blurs distinction between hotel occupancy and apartment occupancy
- **Staff Recommendation:** Support bills that eliminate the 30 day rule.

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, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2261 Acre Tract of Land Located at 151 West Walters Street; and Identified as Lot 2 of the Crawford Addition, as Requested by the Naomi Crawford Estate (Case No. PZ20090102). 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 January 5, 2009, Workshop and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of Final Acceptance of Fox Avenue Paving and Drainage Improvements Project; and Authorization to Make Final Payment to Tiseo Paving Inc., in the Amount of \$157,081.45. 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 E-3, Approval of an Election Calendar and a Resolution Calling the May 9, 2009 Lewisville City Council Election and Designating the City's Polling Places, the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Consideration of the Final Plat for Castle Hills, Phase VI, Section D, a 57.21 Acre Tract Designated Estate Townhouse (ETH), With 260 Residential Lots and Two Common Area Lots, Located South of Windhaven Parkway Between Essex Boulevard and the KCS Railroad; and Consideration of Five Requested Variances to the Castle Hills Development Agreement as Requested by TRC Solutions, Inc., Representing the Property Owner. Deputy Mayor Pro Tem Watts questioned why City staff had recommended approval on all the variances but Variance 4. Discussion was held that this was due to factors surrounding speed or curvature of the road. City Manager King explained that Castle Hills is a unique situation and has been done before as there are certain type of things on the ground there that could be applied; however, this would not work citywide and staff did not want to set a precedence. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Westwood Residential Management on Behalf of Bella Madera Apartments. City Manager King pointed out the graphic on page 9 of the City Council's backup information showing the various signs types that are located in this area. He further pointed out that this request is for a two year timeframe. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-6, 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 this ordinance would require retrofitting of irrigation systems by January 1, 2010 for both commercial and residential systems. He further advised that this was not a required mandate and does not have to be done if the City Council feels it is too much of a burden. Councilman Ueckert verified with City staff that this requirement would only be for automated irrigation systems and not manual systems. Discussion was held regarding enforcement mechanisms that currently exist to ticket anyone whose sprinklers go off during inclement weather. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-7, Third and Final Reading: 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. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of a Resolution Regarding the Naming of the Proposed DCTA Lewisville Lake Station. (Requested by Mayor Carey) City Manager King advised that the City Council needed to pay more attention to the resolution than the drawing, as it is a hypothetical drawing, not actual. Councilman Durham advised he did not have a problem with putting Highland Village first on this station as long as if there is ever a station located in Highland Village that can be used by Lewisville residents, that station will be named Lewisville/_____. Discussion was held among the City Council about different business locations in Highland Village that Lewisville residents spend their money. Councilman Ueckert questioned what DCTA would do if the two cities cannot come to an agreement. Ms. Dee Leggett with DCTA advised the decision would have to be decided by the Board of Directors. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Consideration of Approval of Adjustment of Sanitary Sewer Rates for Creekside Utility, Inc. (Creekside Community). City Manager King explained why this item had come before the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Consideration of Legislative Priorities. City Manager King advised that he had sent out a lengthy list of bills that relate to cities to date. He stated that if there were any other bills of interest the City Council wanted to take a position on, they could add them to the current list as presented by Assistant City Manager Donna Barron. Discussion held regarding Denton County Days and scheduled meetings along with posting requirements to allow everyone to meet together and not have to split up. There was no further 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 6:53 p.m. on Monday, January 26, 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, January 26, 2009, 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, Boy Scout Troop 729 gave the pledge to the flag.

**Public Hearing: Consideration of Ordinance
No. 3642-01-2009(Z) for a Zone Change
Request From Single-Family Residential
(R7.5) to Old Town Mixed Use Two (OTMU2)
on a 0.2261 Acre Tract of Land Located at
151 West Walters Street; and Identified as
Lot 2 of the Crawford Addition, as Requested
by the Naomi Crawford Estate (Case No.
PZ20090102)**

(Agenda Item C)

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for future flexibility of use and setbacks on the property. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single-family residential and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their January 6, 2009 meeting.

It is City staff's recommendation 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 Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

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

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, 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 0.23 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single Family Residential (R-7.5) District Zoning to Old Town Mixed Use Two (OTMU2) 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 Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3642-01-2009(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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 5, 2009, Workshop Session and Regular Session.
2. Approval of Final Acceptance of Fox Avenue Paving and Drainage Improvements Project; and Authorization to Make Final Payment to Tiseo Paving Inc., in the Amount of \$157,081.45.

CONSENT AGENDA (cont'd)

(Agenda Item E)

3. Approval of an Election Calendar and **Resolution No. 3643-01-2009(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Ordering a General Election to be Held on May 9, 2009, for the Purpose of Electing Two (2) Members of the City Council (Mayor and Place No. 2) to Hold Office for a Period of Three Years; Designating Locations of the Polling Places; and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election.

The motion carried.

END OF CONSENT AGENDA

Consideration of the Final Plat for Castle Hills, Phase VI, Section D, a 57.21 Acre Tract Designated Estate Townhouse (ETH), With 260 Residential Lots and Two Common Area Lots, Located South of Windhaven Parkway Between Essex Boulevard and the KCS Railroad; and Consideration of Five Requested Variances to the Castle Hills Development Agreement as Requested by TRC Solutions, Inc., Representing the Property Owner

(Agenda Item F-4)

Castle Hills is located in Lewisville's Extraterritorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to Lewisville's General Development Ordinance and Zoning Ordinance. The following variances are being requested: (1) to allow 44-foot street right-of-ways with 6-foot sidewalk and utility easements; (2) to waive the alley requirement; (3) to exceed geometric limitations for street horizontal and vertical alignments; (4) to revise the required Sight Visibility Triangles within Section D for all interior secondary streets; and, (5) to exceed the number of lots in a block before a fire break easement is required in Section D, Block F only. City Council approved Variance 1 and Variance 2 (44-foot street right of way and no alleys) with the preliminary plat and Variance 3 (street geometry) with the original final plat. Since that time the home builder for Section D is no longer involved with the project and Castle Hills has been unable to find a builder to develop the lots as currently configured although the public improvements have been installed. Castle Hills has found two home builders who wish to develop the site with the proposed new lot configuration. In light of these changes to the site the previously approved variances are no longer valid. The developer is requesting the three variances previously granted for Section D plus two additional variances

(sight visibility triangles and number of lots without a fire break). The Planning and Zoning Commission, at their January 6, 2009 meeting, voted 5-0 to recommend in favor of the final plat and the requested variances.

The City staff's recommendation was that the City Council approve the final plat and requested Variances 1-3 and 5 and consider Variance 4.

David Salmon, Assistant City Engineer, spoke before the City Council regarding this item.

Doug Walker, Castle Hills Development Company, was available 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 approve the Final Plat for Castle Hills, Phase VI, Section D, a 57.21 Acre Tract Designated Estate Townhouse (ETH), With 260 Residential Lots and Two Common Area Lots, Located South of Windhaven Parkway Between Essex Boulevard and the KCS Railroad; and approve the following requested variances to the Castle Hills Development Agreement: (1) to allow 44-foot street right-of-ways with 6-foot sidewalk and utility easements; (2) to waive the alley requirement; (3) to exceed geometric limitations for street horizontal and vertical alignments; (4) to revise the required Sight Visibility Triangles within Section D for all interior secondary streets; and, (5) to exceed the number of lots in a block before a fire break easement is required in Section D, Block F only, as requested by TRC Solutions, Inc., Representing the Property Owner. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Westwood Residential Management on Behalf of Bella Madera Apartments

(Agenda Item F-5)

A 64 square foot off-premise sign is being proposed at Highway 121 and Leora Lane, to be located approximately 300 feet north of Leora Lane. The sign is fourteen (14) feet in height and will be located twenty (20) feet back from the curb. Due to the location of the Bella Madera Apartments, visibility is limited and early notification would benefit traffic along Hwy 121 directing potential clients to the apartments for lease. Bella Madera Apartments has an agreement with Lakepointe Marina at 121, GP, LLC to allow this off-premise sign to be placed

on their property. Staff has no objection to this proposal and requests that the City Council consider the requested variance, with a two-year time limit placed thereon.

The City staff's recommendation was that the City Council consider the requested variance with a limit of two years.

Cleve Joiner, Building Official and Brooke Lee, Westwood Residential were available for any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Westwood Residential Management on Behalf of Bella Madera Apartments for a period of two years. The motion carried.

**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.**

(Agenda Item F-6)

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 Inspection Division.

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

City Manager Claude King reviewed the portion of this ordinance that dealt with the retrofitting to be done by January 1, 2010 for rain and freezing sensor devices to prevent icing of public rights of ways, sidewalks, and streets, and for control of water conservation. Discussion was held by the City Council that they wanted to differentiate between residential and commercial in regard to the retrofitting.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the February 2, 2009, City Council meeting. The motion carried.

Mayor Carey then moved on to Agenda Item F-8.

**Consideration of a Resolution Regarding the
Naming of the Proposed DCTA Lewisville
Lake Station. (Requested by Mayor Carey)**

(Agenda Item F-8)

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 was held by the City Council that they had thought what they had come up with previously was acceptable. At the request of Councilman Tierney, Councilman Durham brought up the suggestion he had made during workshop that this station be called Highland Village/Lewisville Lake Station; however, that if there ever is another station that is right next to Lewisville, but that is in Highland Village, that the station be named Lewisville/Highland Village Station.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to direct City staff to change the language in the resolution to name the station Highland Village/Lake Lewisville Station; however, include another section, that if there ever is another station that is right next to Lewisville but within Highland Village, that the station be named Lewisville/Highland Village Station; and to bring this back to the February 2, 2009, City Council meeting. The motion carried.

Mayor Carey returned to Agenda Item F-7.

Third and Final Reading: Consideration of Ordinance No. 3644-01-2009 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 F-7)

At the December 15, 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 third and final reading. The ordinance will become effective February 9, 2009.

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 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; and Providing an Effective Date. “

Assistant City Attorney Plaster advised that this ordinance would take effective on February 9, 2009

**Consideration of Approval of Adjustment of
Sanitary Sewer Rates for Creekside Utility,
Inc. (Creekside Community)**

(Agenda Item F-9)

Creekside Utility, Inc., (Creekside Community), a manufactured home community located at 4000 Ace Lane in southwest Lewisville, has approximately 600 units and operates its own water system and sewer collection system. Lewisville receives and meters sewage from the Creekside Community and bills the Community monthly. The City has original jurisdiction over Creekside's water and sewer rates and tariffs under Texas Water Code Section 13.042. Creekside Community is requesting an increase of sewer rates to match the City of Lewisville 2008-2009 rate of \$7.96 for the first 2,000 gallons and \$3.20 for each additional 1,000 gallons.

The City staff's recommendation was that the City Council approve the adjustment of sanitary sewer rates for Creekside Utility, Inc. (Creekside Community).

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 the requested Adjustment of Sanitary Sewer Rates for Creekside Utility, Inc. (Creekside Community). The motion carried.

Consideration of Legislative Priorities

(Agenda Item F-10)

The 81st Session of the Texas Legislature began January 13, 2009. Various issues of interest that will likely be introduced during the session were discussed with the City Council during the earlier work session. Staff is seeking City Council direction in establishing a legislative agenda. This agenda will provide direction to staff as bills are introduced throughout the session.

The City staff's recommendation was that the City Council provide direction in establishing a legislative agenda.

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 direct City staff to continue with the list of priorities presented during the workshop session. The motion carried.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 730 p.m. Monday, January 26, 2009, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:35 p.m. on Monday, January 26, 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 7:50 p.m. on Monday, January 26, 2009.

**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 7:58 p.m. on Monday, January 26, 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 I)

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 adjourn the Regular Session of the Lewisville City Council at 7:58 p.m. on Monday, January 26, 2009. The motion carried.

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

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
JANUARY 26, 2009**

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APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY