

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS**

Tuesday, July 27, 2010

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Regular Meeting of the Midlothian City Council, to be held in the Council Chambers of City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA – 6:00 P.M.

Call to Order, Invocation and Pledge of Allegiance

2010-242 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing the retirement of Police Officer Steve Egan
- c. Proclamation recognizing the retirement of Building Official A. L. Haak
- d. Proclamation recognizing Stuart Pryor for his long-time service to the Corporation for Economic Development (4A)
- e. Recognition of Councilmembers Jamie Wickliffe and Jason Kyle for their past service to the Corporation for Economic Development (4A)
- f. Presentation of proposed FY 2010-2011 Operating Budgets for the City of Midlothian General Fund and Utility Fund
- g. Presentation regarding the City of Midlothian Animal Control Program
- h. Administrative Announcements related to personnel

CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion without separate discussion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2010-243 Consider and act upon minutes from City Council meetings of July 13 and 14, 2010

2010-244 Consider and act upon changing the name of Stadium Drive to Don Floyd Drive

2010-245 Consider and act upon on the creation and establishment of an Animal Shelter Advisory Committee as prescribed by Chapter 823.005 of the Texas Health and Safety Code

2010-246 Consider and act upon on the designation of the Animal Control Officer as the Local Rabies Control Authority for the City of Midlothian, Texas as prescribed by Chapter 826.017 of the Texas Health and Safety Code

REGULAR AGENDA

2010-247 Citizens to be Heard

2010-248 Consider and act upon approval of a resolution authorizing the preparation of documents with respect to the proposed issuance of “City of Midlothian, Texas General Obligation Refunding Bonds, Series 2010”

2010-249 Consider and act upon an ad valorem tax refund in the amount of \$98,865.75 to Toys R Us pursuant to a settlement agreement between Toys R Us and the Ellis Central Appraisal District on the taxable assessed value of their property for tax years 2003 - 2009

2010-250 Consider and act upon a resolution of the City Council of the City of Midlothian, Texas, supporting the construction of the FM 663 Bridge at US Highway 287 as a TxDOT Pass-Through Financing project and requesting the financial support of the Midlothian Development Authority

2010-251 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

EXECUTIVE SESSION

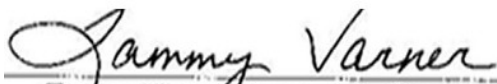
Executive Session items are discussed in closed session but any and all action is taken in regular open session. Executive Session is not open to the public because there is a compelling need of confidentiality (e.g., certain real estate, litigation, or personnel matters).

1. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
2. Section 551.074(a)1 Personnel Matters: Annual evaluation of City Secretary
3. Section 551.074(a)2 Personnel Matters: Deliberate the duties of, and to hear complaints against, Commander Don Cole and Alan Romero, Animal Control Officer
4. Section 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton and Musket Corporation
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters
7. Section 551.074(a)1 Personnel Matters: to deliberate the Municipal Court Judge position

REGULAR AGENDA

- 2010-252 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-253 Action resulting from Executive Session, Item #2: Personnel
- 2010-254 Action resulting from Executive Session, Item #3: Personnel
- 2010-255 Action resulting from Executive Session, Item #4: Randall Denton, et al
- 2010-256 Action resulting from Executive Session, Item #5: Texas Central Business Lines
- 2010-257 Action resulting from Executive Session, Item #6: Ken Chambers, et al
- 2010-258 Action resulting from Executive Session, Item #7: Personnel
- 2010-259 Adjourn

I, Tammy Varner, Deputy City Secretary of the City of Midlothian, Texas, do hereby certify that this Notice of Meeting was posted on the front window of City Hall, 104 West Avenue E, Midlothian, Texas, at a place readily accessible to the general public at all times, no later than the 23rd day of July, 2010 at or before 5:00 p.m.



Tammy Varner, Deputy City Secretary

**This facility is wheelchair accessible and accessible parking spaces are available.
Requests for reasonable accommodations must be made 48 hours prior to this meeting.
Please contact the City Secretary at 775-3481 for further information.**



AGENDA ITEM 2010-243

AGENDA CAPTION:

Consider and act upon minutes from City Council meetings of July 13 and 14, 2010

ITEM SUMMARY/BACKGROUND:

Minutes from the July 13 and 14 Council meetings are submitted for approval or correction

SPECIAL CONSIDERATION:

N/A

FINANCIAL IMPACT/FUNDING SOURCE:

N/A

ATTACHMENTS:

1. Minutes from Regular Meeting of July 13, 2010
2. Minutes from Joint Council/MISD Meeting of July 14, 2010

ALTERNATIVES:

Approve or correct

RECOMMENDATION:

Approve as submitted

SUBMITTED, REVIEWED BY AND TO BE PRESENTED BY:

Lou Jameson, City Secretary, for the July 27, 2010 City Council Meeting



City Secretary

REVIEWED BY:



Tammy Varner, Deputy City Secretary

APPROVED BY:



Don Hastings, City Manager

**MINUTES
REGULAR COUNCIL MEETING
JULY 13, 2010**

The City Council of the City of Midlothian convened in a Regular Meeting in the Council Chambers of City Hall, 104 West Avenue E, with the meeting open to the public and notice of said meeting having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

Boyce L. Whatley	§	Mayor
Jamie Wickliffe	§	Councilmember Place 1
Bill Houston	§	Councilmember Place 2
Jason Kyle	§	Councilmember Place 3
Joe Frizzell	§	Mayor Pro Tem Place 4
Hank Miller	§	Councilmember Place 5
Steve Massey	§	Councilmember Place 6

REGULAR AGENDA – 6:00 P.M.

Mayor Whatley called the meeting to order at 6:00 p.m. with notice of the meeting duly posted and the full Council present. Councilmember Kyle gave the invocation and led in the pledges.

2010-220 ANNOUNCEMENTS/PRESENTATIONS

a. Community Affairs calendar

July 16 & 17 – 2010 Quilt Show; July 24 – Bike Around Midlothian; Memorial bricks being sold as fund-raiser for log cabin restoration project; July 10 – Movies in the Park well attended

b. Proclamation recognizing the retirement of Police Officer Roger Smotts

Appreciation was extended to retiring CID Officer Smotts for his 18 years of dedicated service.

c. Administer Oath of Office for new police officers

Mayor Whatley administered the Oath of Peace Officer to Nicolas Harp and John Killian.

d. Administrative Announcements related to personnel

Mr. Hastings encouraged participation in the July 22 Carter Blood Bank blood drive.

2010-221 CITIZENS TO BE HEARD

None were heard.

2010-222 CONSIDER AND ACT UPON MINUTES FROM CITY COUNCIL MEETING OF JUNE 22, 2010.

Mayor Whatley requested the vote on Item 2010-208 be corrected to reflect 6-0 rather than 6-1.

Councilmember Wickliffe moved to approve Item 2010-222 with the correction. Motion was seconded by Councilmember Massey and carried unanimously (7-0).

2010-223 CONSIDER AND ACT UPON A REQUEST TO ESTABLISH DEVELOPMENT STANDARDS FOR THE SECTION OF NORTH 8TH STREET, BETWEEN W. AVENUE E AND W. AVENUE B AND CONSIDER FUTURE ADOPTION OF SUCH AMENDMENTS TO THE CITY OF MIDLOTHIAN ZONING ORDINANCE 89-13, AS AMENDED.

Mr. Mares presented the Item to approve a Resolution to begin the development standard process. Contacted property owners were generally supportive and would be involved in the lengthy process prior to adoption.

Mayor pro tem Frizzell moved to approve Item 2010-223 as presented. Motion was seconded by Councilmember Kyle and carried unanimously (7-0).

2010-224 CONSIDER AND ACT UPON AWARDING EMPLOYEE INSURANCE CONTRACTS FOR MEDICAL, DENTAL EMPLOYEE, ACCIDENTAL DEATH AND DISMEMBERMENT, GROUP LIFE, AND LONG TERM DISABILITY INSURANCE COVERAGE FOR FISCAL YEAR 2010-2011

Harold Cates presented the Item stating that negotiations resulted in a reduction from the originally proposed 15.7% increase to a 3.6% increase in office co-pays, deductibles and prescription co-pays. David Lister, 901 Pimlico Drive, encouraged Council to fund deductible and co-pay increases rather than pass the increases on to employees.

Councilmember Kyle moved to approve Item 2010-224 as presented. Motion was seconded by Councilmember Houston and carried unanimously (7-0).

Council moved to Executive Session at 6:40 p.m. for the purpose of discussing Items 1 through 5 and with the following present: Mayor Whatley, Mayor pro tem Frizzell, Councilmembers Wickliffe, Houston, Kyle, Miller, and Massey; City Manager, City Attorney, Planning Director, Human Resources Director, Economic Development Director, Parks Manager, Comprehensive Planning Manager, and land-use attorney Terry Morgan.

EXECUTIVE SESSION

- 1. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 67202, MIDLOTHIAN V. TEXAS CENTRAL BUSINESS LINES CORPORATION, ET AL, PURSUANT TO ATTORNEY'S ETHICAL DUTY TO ADVISE CITY REGARDING SUCH MATTERS**
- 2. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 75885, CITY OF MIDLOTHIAN V. RANDALL DENTON AND MUSKET CORPORATION, PURSUANT TO ATTORNEY'S ETHICAL DUTY TO ADVISE CITY REGARDING SUCH MATTERS**
- 3. SECTION 551.071 LEGAL: CONSULTATION WITH ATTORNEY REGARDING CAUSE NO. 3-07-CV-1351-N, TEXAS CENTRAL BUSINESS LINES CORPORATION V. CITY OF MIDLOTHIAN**
- 4. SECTION 551.072 REAL ESTATE: DELIBERATE AND CONSIDER THE ACQUISITION OF REAL PROPERTY NECESSARY FOR ROADWAY AND PARKS IMPROVEMENT PROJECTS**
- 5. SECTION 551.074(A)1 PERSONNEL MATTERS: TO DELIBERATE THE MUNICIPAL COURT JUDGE POSITION**
- 6. SECTION 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS**

Council reconvened in Regular Session at 8:30 p.m. with no action taken in Executive Session.

REGULAR AGENDA

2010-225 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #1: CAUSE NO. 67202, TCBL

No action was taken following Executive Session.

2010-226 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #2: CAUSE NO. 75885, RANDALL DENTON

No action was taken following Executive Session.

2010-227 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #3: CAUSE NO. 3-07-CV-1351-N, TCBL

No action was taken following Executive Session.

2010-228 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #4: REAL ESTATE/ROADWAY AND PARKS

No action was taken following Executive Session.

2010-229 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #5: PERSONNEL

No action was taken following Executive Session.

2010-230 ACTION RESULTING FROM EXECUTIVE SESSION, ITEM #6: ECONOMIC DEVELOPMENT NEGOTIATIONS

The Item was not discussed in Executive Session nor was action taken.

2010-231 ADJOURN

With there being no further business to discuss, Mayor Whatley adjourned the meeting at 8:30 p.m.

ATTEST:

Boyce L. Whatley, Mayor

Lou Jameson, City Secretary

**MINUTES
JOINT MEETING
OF THE MIDLOTHIAN CITY COUNCIL AND THE
MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES
JULY 14, 2010**

The City Council of the City of Midlothian and the MISD Board of Trustees convened in a Called Meeting at the Midlothian Conference Center, #1 Community Circle, with the meeting open to the public and notice of said meeting having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present to-wit:

CITY COUNCIL

Boyce Whatley, Mayor
Bill Houston Jason Kyle
Joe Frizzell Steve Massey
Absent: Jamie Wickliffe, Hank Miller

Staff: Don Hastings, Carl Smith, John Garfield, Mike Adams, Chris Dick, Adam Mergener, David Schrod, Ryan Spencer, Lou Jameson, Harold Cates, Jim Berman

MISD BOARD OF TRUSTEES

Phil Seay, President
Jay Roberts Duke Burge
Tom Moore Jim Mentzel
Absent: Cindy Williams, Wayne Shuffield

Administration: Dr. Jerome Stewart, Dr. Edd Bigbee, David Boswell, Robin Bullock, Judy Walling, Theda McGrew

REGULAR AGENDA – 6:00 PM

2010-232 CALL TO ORDER BY EACH ENTITY

Mayor Whatley and President Seay called their respective boards to order at 6:00 p.m.

2010-233 RECEIVE A REPORT REGARDING MISD GROWTH MANAGEMENT PROGRAM; DIRECT STAFF AS NECESSARY

Dr. Stewart extended an invitation to the July 20 meeting. Among topics for discussion was the addition of a middle school, a second high school and economic feasibility studies for each.

2010-234 DISCUSS EMERGENCY COMMUNICATION NEEDS, INCLUDING RADIO AND CODE RED REVERSE 9-1-1 SYSTEM; DIRECT STAFF AS NECESSARY

Chief Schrod, described the phone number database program used to issue emergency warnings. He requested MISD's assistance in making parents aware of the program.

Chief Smith related the desire to implement incident command protocols as defined by FEMA that would be utilized to relay information to an MISD point of contact in the event of a disaster. Another option for disseminating emergency information would be to link the City's EOC with MISD administration and campuses through public safety radio channels.

2010-235 DISCUSS EMERGENCY WARNING SIRENS; DIRECT STAFF AS NECESSARY

Chief Schrod detailed areas in need of sirens, including Camp Hoblitzelle, Larue Miller Middle School and Walnut Grove Middle School. Camp Hoblitzelle had approached the City with an offer to pay half the expense for a siren at their facility. Chief Schrod asked if there was interest from MISD to partner in siren costs for the two middle schools. Estimated cost was \$19,500 each after a savings of \$800 each for purchasing all three sirens at the same time.

MISD trustee Duke Burge stated that, if unallocated bond interest could be used toward the purchase of sirens for the two middle school campuses, MISD might consider 100% funding of the sirens.

2010-236 RECEIVE A REPORT REGARDING ONGOING ECONOMIC DEVELOPMENT EFFORTS CONDUCTED BY THE CITY; DIRECT STAFF AS NECESSARY

Don Hastings related the success of the one-year program launched by Council to zero out impact fees in an effort to spur development. The incentive resulted in attracting quality development and area-wide recognition. MISD was invited to participate in local focus group discussions to develop marketing strategies for the community.

2010-247 RECEIVE A REPORT REGARDING SINGLE-FAMILY BUILDING TRENDS; DIRECT STAFF AS NECESSARY

Ryan Spencer distributed handouts illustrating the downward trend in permits beginning in mid-2007 and the slow recovery beginning in late 2009. Reports showed Midlothian permit numbers were comparable to neighboring communities and that active subdivisions were nearing 78% build-out.

2010-238 RECEIVE A REPORT REGARDING THE PROPOSED FM 663 BRIDGE EXPANSION OVER THE U.S. HIGHWAY 287 BYPASS; DIRECT STAFF AS NECESSARY

Mayor Whatley and Mike Adams described the process completed in acquiring state funding for the project. The City will front the construction money and TxDOT will reimburse the cost over a ten to twenty year period. Reduced traffic congestion should benefit both Mt. Peak Elementary and Frank Seale Middle School. Construction is expected to begin within the next year.

2010-239 DISCUSS RESURFACING OF CITY/MISD TENNIS COURTS; DIRECT STAFF AS NECESSARY

Dr. Stewart requested that resurfacing be included in each entity's future budget and that the athletic director be involved in the design process for the project. Mr. Hastings stated that resurfacing is now scheduled for 2014 but would be moved forward as the economy improves.

2010-240 DISCUSS J.R. IRVIN GYMNASIUM RENOVATION; DIRECT STAFF AS NECESSARY

Dr. Stewart reported that the Historic Society is in the process of writing a grant to fund a feasibility study for renovation and restoration of the facility at no cost to the City or MISD. Their vision is to create a 501-3(c) non-profit organization to serve unmet recreational needs of the community.

2010-241 ADJOURN

Trustee Burge requested that consideration of siren funding be placed on the July 19th MISD agenda. With no further business to discuss, Mayor Whatley and President Seay adjourned their respective board at 7:06 p.m.

ATTEST:

Boyce L. Whatley, Mayor

Lou Jameson, City Secretary



AGENDA ITEM 2010-244

AGENDA CAPTION:

Consider and act upon changing the name of Stadium Drive to Don Floyd Drive

ITEM SUMMARY/BACKGROUND:

When the new stadium was platted, the east-west street on the north side of the stadium was designated as "Stadium Drive". The MISD Board of Trustees has requested the name of this street be changed to "Don Floyd Drive". This does not conflict with any other street name. Council action is necessary to officially change the name of an existing platted street.

SPECIAL CONSIDERATION:

N/A

FINANCIAL IMPACT/FUNDING SOURCE:

N/A

ATTACHMENTS:

None

ALTERNATIVES:

Approve, amend, table, or deny.

RECOMMENDATION:

Staff recommends approval as presented.

SUBMITTED BY and TO BE PRESENTED BY:

David Schrodt, Fire Chief, for the July 27, 2010 Council meeting

A handwritten signature in black ink that reads "D. Schrodt".

REVIEWED BY:A handwritten signature in black ink that reads "Tammy Varner".

Tammy Varner, Deputy City Secretary**APPROVED BY:**A handwritten signature in black ink that reads "Don Hastings".

Don Hastings, City Manager



14th

PANTHERS

MID. OTHIAN

U.S. 287 bypass

U.S. 287 bypass



AGENDA ITEM 2010-245

AGENDA CAPTION: Consider and act upon on the creation and establishment of an Animal Shelter Advisory Committee as prescribed by Chapter 823.005 of the TEXAS HEALTH AND SAFETY CODE.

ITEM SUMMARY/BACKGROUND: Chapter 823.005 of the Texas Health and Safety Code requires the governing body of a municipality in which an animal shelter is located to appoint an advisory committee to assist in the compliance of the requirements as set out in Chapter 823 of the Health and Safety Code. The advisory committee is to be made up of at least one of each of the following:

- a) Licensed veterinarian
- b) County or municipal official
- c) A person whose duties include the daily operations of the shelter
- d) A representative from an animal welfare organization

SPECIAL CONSIDERATION: N/A

FINANCIAL IMPACT/FUNDING SOURCE: Financial impact of this action will limited to the provision of refreshments or a meal funded from 105-621-342 of the Animal Control Budget during three required meetings of the Advisory Committee throughout the calendar year.

ATTACHMENTS:

1. Texas Health and Safety Code, Chapter 823

ALTERNATIVES:

Approve, Table or Deny

RECOMMENDATION: Staff recommends that Council appoint the following representatives to the Advisory Committee in order to meet the requirements of Chapter 823.005: Police Chief Carl Smith, Municipal Official; Animal Control Officer Alan Romero, Daily Operations; Dr. Jim Rook, DVM, 14th Street Veterinary Clinic and, Dana White, Director, Ellis County SPCA

SUBMITTED BY and TO BE PRESENTED BY:

Carl D. Smith, Chief of Police for the July 27, 2010 Council meeting

A handwritten signature in black ink, appearing to read "Carl D. Smith".

Carl D. Smith, Police Chief

REVIEWED BY:



Tammy Varner, Deputy City Secretary

APPROVED BY:



Don Hastings, City Manager

HEALTH AND SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 823. ANIMAL SHELTERS

Sec. 823.001. DEFINITIONS. In this chapter:

- (1) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.
- (2) "Board" means the Texas Board of Health.
- (3) "Commissioner" means the commissioner of health.
- (4) "Department" means the Texas Department of Health.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 823.002. EXEMPTION FOR CERTAIN COUNTIES, CLINICS, AND FACILITIES. This chapter does not apply to:

- (1) a county having a population of less than 75,000;
- (2) a veterinary medicine clinic; or
- (3) a livestock commission facility.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 280, eff. Sept. 1, 1991.

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY. (a) Each animal shelter operated in this state shall comply with the standards for:

- (1) housing and sanitation existing on September 1, 1982, and adopted under Chapter 826; and
- (2) animal control officer training adopted under Chapter 829.

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a

veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter and Chapter 829. The veterinarian shall file copies of the veterinarian's report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The board may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1331, Sec. 2, eff. September 1, 2007.

Sec. 823.005. ADVISORY COMMITTEE. (a) The governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the requirements of this chapter.

(b) The advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(c) The advisory committee shall meet at least three times a year.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 823.007. INJUNCTION. A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may enforce this chapter.

(b) This section does not authorize a county to establish standards for operating an animal shelter.

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 924, Sec. 1, eff. June 19, 2009.

Sec. 823.009. CIVIL PENALTY. (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more than \$500 for each violation and for each day of a continuing violation. This subsection does not apply at an animal shelter operated by a municipality.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

- (1) injunctive relief to restrain the person from continuing the violation or threat of violation;
- (2) the assessment and recovery of the civil penalty; or
- (3) both injunctive relief and the civil penalty.

(d) A bond is not required in an action brought under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 924, Sec. 1, eff. June 19, 2009.