

**MINUTES OF THE REGULAR MEETING
RIVER OAKS CITY COUNCIL
MAY 24, 2016**

MEMBERS PRESENT:

MAYOR HERMAN EARWOOD
MAYOR PRO TEM JOE ASHTON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER BRUCE SCOTT
COUNCIL MEMBER JOANN GORDON

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
POLICE CHIEF AVIN CARTER
FIRE CHIEF RUSSELL SHELLEY
EMC COORDINATOR JAMES MYRICK
BUILDING INSPECTOR STEVE SANDERS
COMMUNITY CENTER DIRECTOR SHIRLEY WHEAT
PUBLIC WORKS SECRETARY CASSIE CURRY
CELINA MORENO, TRANSLATOR
CITY ATTORNEY BETSY ELAM
RECORDING SECRETARY SUSAN STEWART

1. CALL TO ORDER

With a quorum present, Mayor Earwood called the Regular Meeting of the River Oaks City Council to order at 7:00 p.m. on Tuesday, May 24, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION

Mayor Pro Tem Holland delivered the Invocation.

3. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

Mayor Pro Tem Holland led the Pledges of Allegiance to the United States and the Texas Flags.

4. READING OF PROCLAMATION(S) AND SPECIAL PRESENTATIONS BY MAYOR:

Mayor Earwood read a proclamation declaring the month of May 2016 as Motorcycle Awareness and Safety Month.

5. CONSENT AGENDA ALL ITEMS UNDER THIS SECTION ARE RECOMMENDED FOR APPROVAL FOR THE "CONSENT AGENDA". THESE ITEMS ARE OF A ROUTINE NATURE AND REQUIRE ONLY BRIEF DELIBERATION BY COUNCIL. COUNCIL RESERVES THE RIGHT TO REMOVE ANY ITEM ON THE CONSENT AGENDA FOR FURTHER DELIBERATION

- A. MINUTES OF MAY 10, 2016 REGULAR COUNCIL MEETING
- B. MINUTES OF MAY 17, 2016 SPECIAL COUNCIL MEETING
- C. APPROVE BILLS PAYABLE FOR PERIOD ENDING MAY 24, 2016 (FY 2016)
- D. APPROVE CONTRACT FOR ENGINEERING SERVICES FOR THE SCHIEME DRAINAGE IMPROVEMENTS AS RECOMMENDED BY THE STORM WATER TASK FORCE

E. APPROVE THE POLICE CHIEF'S RECOMMENDATION TO HIRE SHILA KNOX AS A FULL TIME DISPATCHER IN THE POLICE DEPT.

F. APPROVE DELINQUENT TAX COLLECTION REPORT FOR THE 1ST QUARTER OF 2016 AS PRESENTED BY LINEBARGER GOGGAN BLAIR & SAMPSON LLP

CM Holland requested agenda item D be removed for further discussion.

CM Holland moved, seconded by CM Scott, to approve consent agenda items A, B, C, E, and F. All voted "Aye."

6. DISCUSSION OR ACTION TAKEN ON ITEMS WITHDRAWN FROM CONSENT AGENDA FOR SEPARATE DELIBERATION.

D. APPROVE CONTRACT FOR ENGINEERING SERVICES FOR THE SCHIEME DRAINAGE IMPROVEMENTS AS RECOMMENDED BY THE STORM WATER TASK FORCE

Brief discussion occurred with staff confirming an estimated cost of \$40,000 for engineering services for the project. The total cost of the project is expected to be \$400,000. CM Holland mentioned that this area had previously been studied. CS Gregory explained that this engineering cost includes the topography and civil engineering which will be included in the construction. CS Gregory stated the intent is to submit an application, which must include a plan, to the Texas Water Development Board for construction funding.

CM Holland moved, seconded by CM Butler, to approve consent agenda item D. All voted "Aye."

PERSONAL APPEARANCES AND ITEMS REQUIRING COUNCIL APPROVAL/ACTION:

7. DISCUSSION AND/OR ACTION ON PRESENTATION BY DAN KESSLER AND KARLA WEAVER OF N.C.T.C.O.G. REGARDING THE HIGHWAY 183 CORRIDOR PLANNING STUDY (RIVER OAKS REVIVAL) & THE MEANDERING ROAD PROJECT

Dan Kessler and Karla Weaver, N.C.T.C.O.G. representatives, presented the Highway 183 Corridor Planning Study for review. Mr. Kessler delivered the goal of the plan which is to maximize the economic development potential in the corridor. It was mentioned that the final community meeting would be held on June 8, 2016 at the River Oaks Community Center.

Dan Kessler gave an update on the Meandering Road project stating that a preliminary design will soon be available for presentation to the City Council. Mr. Kessler added that the City of Fort Worth is committed to this project along with a funding commitment from the Regional Transportation Council.

Dan Kessler stated that a \$500,000 contract has been awarded from the Department of Defense to revisit the 2008 Joint Land Use Study with one of the issues being regional storm water runoff and flooding.

Dan Kessler mentioned a \$1,000,000 corridor feasibility study related to Highway 199 which affects the 183/199 intersection.

No action was taken.

8. DISCUSSION AND/OR ACTION ON REQUEST FROM GLORIA REYES AT 706 CHURCHILL RD. REGARDING THE ALLEGED CARPORT ZONING VIOLATION AT 706 CHURCHILL RD.

Gloria and Eric Reyes requested to leave a carport they recently constructed on their property. Ms. Reyes explained that the carport was permitted and approved by the building inspector. CS Gregory explained that the permit application indicated the carport would be metal. Discussion occurred related to the definition of a carport versus an addition to the house. Ms. Reyes explained that the carport is not attached to the main structure and replaces an old carport that existed when they purchased the house more than 15 years ago. It was mentioned that the side of the carport is enclosed. Ms. Reyes stated that the permit application included the pitched roof but not the side enclosure; however the building inspector approved the side enclosure. Inspector Sanders stated that carports are allowed to be attached to the house. Sanders reported that this carport meets the side yard setbacks and the current ordinance allows for a carport to be enclosed on two sides. CS Gregory, as the Zoning Administrator, confirmed that the carport is in compliance if it is metal carport and is not attached to the house. CM Holland suggested possibly amending the code of ordinances in the future to be more stringent including side enclosures. Mayor Pro Tem Ashton mentioned that the carport must go before the Zoning Board of Adjustments if ZA Gregory determines it does not meet the zoning ordinance.

A motion and a second were made to waive the fee if it is required to go before the Zoning Board of Adjustments. ZA Gregory stated his determination that the metal carport does meet the zoning ordinance and no further action is required. The motion was withdrawn.

No action was taken.

9. DISCUSSION AND/OR ACTION AUTHORIZING EXPENDITURE FROM THE FIRE DEPARTMENT DOLLAR DONATION FUND FOR THE PURCHASE OF EMERGENCY MEDICAL EQUIPMENT

FC Shelley reported that a grant has been received to cover \$7,500 of the cost of the Lucas device and he requested to fund the remainder from the dollar donation fund in the amount of \$7,527.90.

CM Gordon moved, seconded by CM Butler, to authorize the expenditure from the Fire Department Dollar Donation Fund for the purchase of emergency medical equipment specifically a Lucas device.

FC Shelley responded to an inquiry stating the anticipated number of uses of the Lucas CPR device is anticipated to be one to three times per month and River Oaks is the first in the area to have one.

All voted "Aye."

10. DISCUSSION AND/OR ACTION REGARDING THE MAY 17, 2016 ORDER OF THE BUILDING BOARD OF APPEALS ON THE SUBSTANDARD PROPERTY AT **5312 TAYLOR RD.** BY AMENDING SAID ORDER TO REPAIR AT THE REQUEST OF THE POTENTIAL NEW OWNER

Richard Mack, Recon Realty, requested approximately 30-45 days to acquire and 90-days to rehabilitate the properties at 5312 Taylor and 4829 Kessler. Mr. Mack explained the difficulty of locating any heirs to the property at 5312 Taylor. Mr. Mack stated that a contract has been initiated on 4829 Kessler. Mayor Earwood spoke in opposition allowing additional time once a Council order has been issued to demolish. CS Gregory reported that the 30-day notice of intent to demolish had not been sent due to this request. Staff was directed to send the 30-day notice immediately.

No action was taken.

11. DISCUSSION AND/OR ACTION REGARDING THE MAY 17, 2016 ORDER OF THE BUILDING BOARD OF APPEALS ON THE SUBSTANDARD PROPERTY AT **4829 KESSLER RD.** BY AMENDING SAID ORDER TO REPAIR AT THE REQUEST OF THE POTENTIAL NEW OWNER

Refer to agenda time 10 for discussion.

No action was taken.

PUBLIC HEARINGS / ACTION FROM PUBLIC HEARINGS:

12. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED SITE PLAN REQUEST **BY GIGGLES THERAPY** PURSUANT TO SEC. 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO LOCATE A 28 X 50 MODULAR BUILDING TO BE USED AS A CLASSROOM ON THE PROPERTY AT **905 ROBERTS CUT OFF RD.** IN THE NATHAN H. CARROLL SURVEY PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN "C-1" COMMERCIAL ZONING DISTRICT. (*ZONING CASE # SP2016-0002*)

At 8:36 p.m. the public hearing was opened.

CS Gregory reported that the building qualifies as an industrialized building which cannot be restricted provided that it meets the requirements of the zoning ordinance, meets the masonry requirement, carries the seal of approval for industrialized housing and is on an approved foundation. CS Gregory relayed the recommendation of the Planning and Zoning Commission to approve the request provided the aforementioned requirements are met.

Zachary Martin was present and confirmed that the building will meet all the requirements mentioned as well as ADA requirements.

At 8:43 p.m. the public hearing was closed.

13. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE PROPOSED SITE PLAN REQUEST **BY GIGGLES THERAPY** PURSUANT TO SEC. 25 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN ORDER TO LOCATE A 28 X 50 MODULAR BUILDING TO BE USED AS A CLASSROOM ON THE PROPERTY AT **905 ROBERTS CUT OFF RD.** IN THE NATHAN H. CARROLL SURVEY PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN "C-1" COMMERCIAL ZONING DISTRICT. (*ZONING CASE # SP2016-0002*)

CM Butler moved, seconded by CM Scott, to approve the Site Plan as recommended. All voted "Aye."

14. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON AMENDING ORDINANCE # 651-04 THAT CHANGED THE ZONING CLASSIFICATION TO PD-MF OF 2.42 ACRES FOR TOWNHOME DEVELOPMENT LOCATED IN BLOCK 1, LOTS 1-21, PARK ADDITION, OTHERWISE KNOWN PREVIOUSLY AS BEING 420 ROBERTS CUT OFF RD. SPECIFICALLY REVISING SECTION 1 UNDER #3 "DWELLING UNIT AREA" IN THAT THE MINIMUM DWELLING UNIT LIVING AREA SHALL NOT BE LESS THAN 1400 SQUARE FEET. (*ZONING CASE # PZ2016-04*)

At 8:45 p.m. the public hearing was opened.

CS Gregory explained that the ordinance outlining the original planned development was previously amended to allow for an 8-foot side yard in order for a single family home to be constructed. CS Gregory stated that this change affected other units which do not meet the setback requirements now. CS Gregory requested the dwelling area for this unit and any new units be amended from 1500 square feet to 1400 square feet in order to meet the setback requirements. CS Gregory reported the calculated results of the property owners notified resulted in 13% opposition.

At 8:48 p.m. the public hearing was closed

15. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF **ORDINANCE # 1106-2016** AMENDING ORDINANCE # 651-04 THAT CHANGED THE ZONING CLASSIFICATION TO PD-MF OF 2.42 ACRES FOR TOWNHOME DEVELOPMENT LOCATED IN BLOCK 1, LOTS 1-21, PARK ADDITION, OTHERWISE KNOWN PREVIOUSLY AS BEING 420 ROBERTS CUT OFF RD. SPECIFICALLY REVISING SECTION 1 UNDER #3 "DWELLING UNIT AREA" IN THAT THE MINIMUM DWELLING UNIT LIVING AREA SHALL NOT BE LESS THAN 1400 SQUARE FEET. (*ZONING CASE # PZ2016-04*)

CM Holland moved, seconded by CM Gordon, to approve Ordinance 1106-2016. All voted "Aye."

16. PUBLIC HEARING CONTINUED FROM APRIL 12, 2016: IN ORDER TO RECEIVE CITIZEN COMMENTS ON SUBSTANDARD BUILDING ENFORCEMENT ACTION REGARDING STRUCTURE(S) LOCATED ON THE PROPERTY AT **606 WORTHVIEW DR.**

Ms. Cox, a representative from Robertson Anshutz and Vettters, was present for the lender of the first lien on the property. Ms. Cox reported that her client has been nonresponsive to her request to maintain the property in advance of obtaining ownership. Ms. Cox requested

additional time to complete the foreclosure and acquire the property which is anticipated to be at least July.

This public hearing was continued on July 26, 2016 at 7:00 p.m.

17. ACTION FROM PUBLIC HEARING: CONSIDER COUNCIL ORDERS ON THE PROPERTY AT **606 WORTHVIEW DR.** THAT MAY INCLUDE SECURING, VACATING OF OCCUPANTS, REMOVAL, REPAIRING OR DEMOLITION OF STRUCTURE(S) OR ADOPTION OF RESOLUTION IMPLOING A FEDERAL AGENCY TO ABATE ALL SUBSTANDARD VIOLATIONS IN ORDER TO BE BROUGHT INTO COMPLIANCE WITH SECTION 3.07.004 OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED

No action was taken.

ORDINANCES / RESOLUTIONS REQUIRING COUNCIL APPROVAL/ACTION:

18. CONSIDER APPROVAL OF **RESOLUTION # 856-2016** AUTHORIZING ECONOMIC DEVELOPMENT CORPORATION (EDC) EXPENDITURES FROM THE 2015-2016 FISCAL YEAR BUDGET AS QUALIFIED FOR A PROJECT MORE THAN \$10,000.00 FOR BUSINESS DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

No discussion occurred.

CM Gordon moved, seconded by CM Butler, to approve Resolution #856-2016. All voted "Aye."

19. CONSIDER APPROVAL OF **RESOLUTION # 858-2016** AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY BANK ACCOUNTS

No discussion occurred.

CM Butler moved, seconded by CM Gordon, to approve Resolution #858-2016. All voted "Aye."

20. CONSIDER APPROVAL OF **RESOLUTION # 859-2016** AMENDING AUTHORIZED REPRESENTATIVES ON THE CITY'S TEX-POOL PUBLIC FUNDS

No discussion occurred.

CM Gordon moved, seconded by Mayor Pro Tem Ashton, to approve Resolution #859-2016. All voted "Aye."

21. CONSIDER APPROVAL OF **RESOLUTION # 860-2016** APPROVING SPECIAL EVENTS PERMITTING FOR A CARNIVAL, OUTSIDE ENTERTAINMENT AND FIREWORKS FOR THE CITY'S ANNUAL ALL AMERICAN FESTIVAL LOCATED ON THE PROPERTY AT 5116 RIVER OAKS BLVD.

Shirley Wheat presented the opportunity to have a small carnival the weekend of the All American Celebration on Friday, Saturday and Sunday. CS Gregory stated that the use of the

parking lot has been secured. CS Gregory stated that he is unable to confirm if the carnival equipment would be anchored. CS Gregory confirmed receipt of a certificate of insurance. The equipment would be delivered on Wednesday and removed on Monday. It was noted that clean up and security would need to be provided by the carnival operator on days other than the day of the celebration. CM Holland requested that the snow cone operator be notified of the carnival. Citizen David Vega, inquired about the number of rides or equipment, the weight limits, and the possibility of placing wood planks under the equipment to avoid damage to the parking lot to which staff was unable to confirm at this time.

Mayor Pro Tem Ashton moved, seconded by CM Butler, to approve Resolution #860-2016. All voted "Aye."

22. CONSIDER APPROVAL OF **ORDINANCE # 1107-2016 AMENDING THE 2015-2016 FY BUDGET** TRANSFERRING FUNDS FROM CODE ENFORCEMENT SALARIES (01-516-5111) TO WATER PLANT SALARIES (02-530-5111) DUE TO THE REORGANIZATION OF CODE ENFORCEMENT DEPARTMENT

No discussion occurred.

CM Holland moved, seconded by CM Gordon, to approve Ordinance #1107-2016. All voted "Aye."

23. CONSIDER APPROVAL OF **ORDINANCE # 1108-2016** AMENDING THE 2015-2016 FY BUDGET BY EXPANDING FUNDS IN ORDER TO PURCHASE ANOTHER VEHICLE IN THE PUBLIC WORKS DEPT.

Mayor Earwood recommended to sell four Crown Victorias and to purchase a Jeep Compass for a difference of approximately \$10,000. It was noted that an additional car would be necessary for the Police Department to replace the Focus which could be purchased from the Crime Control and Prevention District budget. Mayor Earwood suggested a Dodge Journey as the second vehicle. Brief discussion ensued related to the value of the Crown Victorias.

CM Butler moved, seconded by CM Gordon, to approve Ordinance #1108-2016 expanding the budget by \$10,000 to purchase a vehicle that Marvin likes. All voted "Aye."

A special called Crime Control and Prevention District meeting will be called for Monday May 31, 2016 at 7:00 p.m.

24. CONSIDER APPROVAL OF **ORDINANCE # 1109-2016** AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.05.012 "OTHER SPECIAL STOP INTERSECTIONS" AS RECOMMENDED BY THE CHIEF OF POLICE

PC Carter requested 15 stop signs to protect the citizens of the City as the budget allows.

Mayor Pro Tem Ashton moved, seconded by CM Gordon, to approve Ordinance #1109-2016. All voted "Aye."

STAFF REPORTS:

25. STAFF REPORT ON SUBSTANDARD PROPERTIES

BI Sanders gave a report on some of the following properties:

- 604 FRONTIER – The substandard fee has been paid. A building permit has been issued that expires 6/14/2016 after which time this will be presented to the Council for an amended order. All liens have been paid.
- 5008 SHERWOOD – The substandard fee, all liens and civil penalties have been paid. The electrical permit has been approved. The agreement to repair ends on 6/16/2016.
- 603 HARRISDALE –
- 4900 ALMENA RD.
- 5312 TAYLOR RD.
- 4829 KESSLER –
- 5905 BLACK OAK –
- 5909 BLACK OAK –
- 1202 BANKS
- 1709 MELBA – The Certificate of Occupancy under Council extension is in compliance.
- 619 HARRISDALE
- 1203 YALE - Council allowed 89-days. Electrical has been approved. Substandard fee has been paid and the backyard has been cleaned up.
- 5411 PURDUE –
- 606 WORTHVIEW –
- 1605 NANCY LANE –

- 5511 AMHERST - There are active building, electrical, plumbing and mechanical permits that expire 6/4/2016.
- 5513 AMHERST
- 1123 YALE
- 1505 GREENBRIER –
- 5116 RIVER OAKS BLVD. – The 30-day order to repair under the building official expires June 12, 2016
- 901 CHURCHILL - The 30-day order to repair under the building official expires 6/18/2016.
- 334 FRONTIER – The building official order to repair expires June 3, 2016. The owner allowed access and intends to bring the property into compliance
- 610 WORTHVIEW – the owner allowed access and intends to repair the property under permits that expire 7/23/2016.
- 5600 TAYLOR – Both buildings have been declared substandard, not just the carport. This will be presented to the City Council at the next meeting. There is a potential new owner.

David Vega asked what will happen when the order at 5116 River Oaks Boulevard expires on June 12, 2016 to which Sanders replied that it would be brought before the Council for further action including an order to repair. Mr. Vega asked if any fines would be assessed against this address. Sanders replied yes, if the City has to maintain it.

No action was taken.

QUESTIONS RELATED TO MONTHLY STAFF REPORTS INCLUDING:

26. **POLICE DEPT. MONTHLY ACTIVITY REPORT** INCLUDING PATROL ACTIVITY, RESPONSE CALLS, NUMBER OF CRIMINAL INVESTIGATION CASES, WARRANTS ISSUED AND ANIMAL CONTROL CALLS INCLUDING CITATIONS ISSUED

PC Carter mentioned that the department has received the bean bag shotguns and implemented a policy regarding the usage of those guns.

PC Carter mentioned a grant for body cameras which is expected in a month or two.

No action was taken.

27. **FIRE DEPT. REPORT INCLUDING NUMBER OF CALLS FOR SERVICE**

FC Shelley explained that tone out time and drive time equal total response time.

No action was taken.

28. **INSPECTIONS AND CODE COMPLIANCE ACTIVITY REPORTS INCLUDING NUMBER OF PERMITS ISSUED AND CODE VIOLATIONS WORKED**

No discussion occurred.

29. **LIBRARY ACTIVITY REPORT INCLUDING NUMBER OF BOOKS, VIDEOS, PAPERBACKS, AND INCLUDING NUMBER OF PATRON ASSISTANCE**

No discussion occurred.

30. **MUNICIPAL COURT INCLUDING COURT ACTIVITY FROM FINES, BONDS, WARRANT FEES, COURT TAXES, COURT FEES, ARREST FEES, COURT SECURITY FEES, COURT TECHNOLOGY FEES, PAYMENT PLANS, STATE COURT COSTS AND AGENCY COLLECTION FEES**

No discussion occurred.

31. **PUBLIC WORKS ACTIVITY REPORT INCLUDING ROAD REPAIRS COMPLETED, SIGNS INSTALLED, WATER PRODUCTION, WATER MAIN AND SERVICE LEAKS REPAIRED, NUMBER OF FIRE HYDRANTS AND DEAD END LINES FLUSHED, NUMBER OF SEWER OVERFLOWS AND STOPPAGES, CUBIC TONS OF SOLID WASTE COMPACTED AND PUBLIC WORKS EQUIPMENT REPAIRS**

No discussion occurred.

32. **PARK BOARD ACTIVITY REPORTS INCLUDING BALLFIELD RENTALS, GRANT UPDATES AND QUESTIONS PERTAINING TO MINUTES FROM THE PARK BOARD**

No discussion occurred.

33. **COMMUNITY CENTER ACTIVITY REPORTS INCLUDING NUMBER OF COMMUNITY CENTER RENTALS, EVENTS AND ACTIVITIES**

No discussion occurred.

34. **CITY SECRETARY ACTIVITY REPORT INCLUDING REVENUE FROM SALES TAX, DOLLAR DONATIONS, EDC SALES TAX, TEX POOL AND CRIME SALES TAX**

No discussion occurred.

35. **EDC ACTIVITY REPORT INCLUDING FUNDED PROJECT UPDATES, UPCOMING PROJECTS AND BIG IMPROVEMENT GRANT APPLICATIONS**

No discussion occurred.

36. STORM WATER TASK FORCE ACTIVITY REPORT INCLUDING ACTIONS TAKEN UNDER THE MS4 PERMIT, COMMUNITY EDUCATION AND PROMOTIONAL EVENTS REGARDING STORM WATER PREVENTION POLLUTION

No discussion occurred.

37. EMERGENCY MANAGEMENT ACTIVITY REPORT INCLUDING POLICIES, PROCEDURES AND INFORMATION PERTAINING TO EMERGENCY MANAGEMENT PLANNING

No discussion occurred.

PUBLIC FORUM:

38. CITY COUNCIL INVITES CITIZENS TO SPEAK ON ANY TOPIC; HOWEVER, UNLESS THE ITEM IS SPECIFICALLY NOTED ON THIS AGENDA, THE CITY COUNCIL IS REQUIRED UNDER THE TEXAS OPEN MEETINGS ACT TO LIMIT ITS RESPONSE WITH A STATEMENT OF SPECIFIC FACTUAL INFORMATION, RECITING THE CITY'S EXISTING POLICY ON THAT ISSUE, OR DIRECTING THE PERSON MAKING THE INQUIRY TO VISIT WITH CITY STAFF ABOUT THE ISSUE. **NO COUNCIL DELIBERATION IS PERMITTED**

Mayor Earwood thanked Steve Sanders for his efforts in the Public Works Department with the absence of Fabian.

No action was taken.

EXECUTIVE SESSION:

39. CONVENE IN EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE: THE COUNCIL RESERVES THE RIGHT TO CONVENE IN EXECUTIVE SESSION(S) FROM TIME TO TIME ON ANY POSTED AGENDA ITEM TO RECEIVE ADVICE FROM ITS ATTORNEY AS PERMITTED BY LAW DURING THIS MEETING. THE COUNCIL MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

- a. Section 551.071 Pending or contemplated litigation or to seek advice from attorney:
- b. Section 551.072 Discussion regarding possible sale, lease or acquisition of real estate:
- c. Section 551.074 Personnel matters – To deliberate the appointment, employment, evaluation, reassignment of duties, discipline or dismissal of a Public Officer or Employee or to hear a complaint or charge against an Officer or Employee.
- d. Section 551.076 Deliberation regarding security devices.

RECONVENE:

40. CONSIDER APPROVAL OF ANY ACTION FROM EXECUTIVE SESSION

None.

ADJOURN:

41. ADJOURN


At 9:46 p.m. Mayor Pro Tem Ashton moved, seconded by CM Gordon, to adjourn the meeting. All voted "Aye".

APPROVED:

ATTEST:



Marvin Gregory, City Secretary



Herman Earwood, Mayor