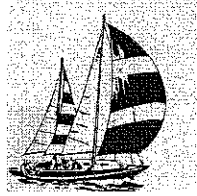


City of Shoreacres



NOTICE OF MEETING

Notice is hereby given that a Regular Meeting of the
City Council
of the City of Shoreacres, Texas, will be held on
Monday, April 14, 2014 at 7:00 p.m.
in the City Council Chambers on the first floor at City Hall, 601 Shore Acres Blvd.,
Shoreacres, Texas, at which time the following subjects will be discussed, to wit:

1.0 CALL TO ORDER / ROLL CALL: Members Present and Absent

2.0 PLEDGES OF ALLEGIANCE

Texas Pledge:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3.0 SPECIAL PRESENTATIONS

3.1 Proclamation: Fair Housing Month

3.2 Proclamation: Motorcycle Safety & Awareness Month

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting: March 24, 2014.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Webber – Report on meetings attended.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen's Comments

This is the opportunity for citizens to comment on items which do not appear on the agenda. Time is limited to five minutes per speaker. Members of Council are prohibited by law from participating in the discussion or deliberation of items that are not specifically identified on this agenda.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator David Stall – General Activity Report.

7.1.1 Water Plant #1 Update

7.2 Police Chief Troy Harrison – Monthly Department Report.

7.3 Acting Public Works Director Erick Ingram – Monthly Department Report.

8.0 BUSINESS

- 8.1 Consideration and approval of invoices. ^{Stall}
- 8.2 Consideration and action to approve rescheduling the first regular city council meeting of May from Memorial Day, Monday, May 26 to Tuesday, May 27. ^{Stall}
- 8.3 Discussion of the effect of the Grimm-Waters 2014 (GW-14) Homeowner Flood Insurance Affordability Act of 2014 (HFIAA 14) on Shoreacres' homeowners. ^{Stall}
- 8.4 Consideration and action to adopt Ordinance No. 2014-158 requiring that recordings of council meetings be used to satisfy the Texas Government Code in lieu of written minutes approved by council. ^{Schnell}

9.0 ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Shoreacres, Texas is a true and correct copy of said Notice and that I posted a copy of said Notice on the bulletin board at City Hall on April 10, 2014 at or before 10:00 p.m., at a place convenient and readily accessible to the general public at all times; to remain so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

DATED THIS 10TH DAY OF APRIL 2014.



SHOREACRES, TEXAS

BY: _____
David K. Stall, CFM, City Administrator / City Secretary

The City Council of the City of Shoreacres reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The City Council Chamber is wheelchair accessible and accessible parking spaces are available.

Requests for accommodations or interpretive services must be made at least two (2) working days prior to the meeting. Please contact City Office at 281.471.2244 or fax 281.471.8955 for additional information.

I, the undersigned, do hereby certify that this Notice of Meeting was removed from the City Hall bulletin board at _____ AM/PM on _____, 2014.

BY: _____

City of Shoreacres



Proclamation

Whereas, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and,

Whereas, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,

Whereas, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans;

NOW, THEREFORE, I, Matt Webber, Mayor of the City of Shoreacres, do hereby proclaim the month of April 2014

“Fair Housing Month” in the City of Shoreacres, Texas

and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Matt Webber
Mayor, City of Shoreacres

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City of Shoreacres



Proclamation

Whereas, today's society is finding more citizens involved in motorcycling on the roads of our country; and,

Whereas, motorcyclists are much more likely to be injured or killed in a crash than other vehicle drivers; and,

Whereas, motorcycle riders now account for one out of every ten U.S. road fatalities each year - with motorcyclist deaths from traffic crashes rising each of the last eight years; and,

Whereas, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and,

Whereas, motorcyclists are often hidden in a vehicle's blind spot or missed in a quick look due to their smaller size. It's crucial that motorists always make a visual check for motorcycles by checking mirrors and blind spots before entering or leaving a lane of traffic and at intersections; and,

Whereas, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and,

Whereas, all motorists are reminded to safely "Share the Road" with motorcycles and to be extra alert when driving; and,

Whereas, we urge our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road they deserve;

NOW, THEREFORE, I, Matt Webber, Mayor of the City of Shoreacres, do hereby proclaim the month of May 2014 as

“Motorcycle Safety & Awareness Month”
in the City of Shoreacres, Texas

Matt Webber
Mayor, City of Shoreacres

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City of Shoreacres



MEETING MINUTES

The City Council of the City of Shoreacres, Texas, met in Regular Session on **Monday, March 24, 2014 at 7:00 p.m.** in the City Council Chambers of City Hall, 601 Shore Acres Blvd., Shoreacres, Texas with the following present constituting a quorum:

Mayor	Matt Webber
Mayor pro tem	Rick Moses
Alderman	Steven Jones
Alderwoman	Nancy J. Schnell
Alderman	Bo Bunker
Alderman	Mike Wheeler

City Administrator / City Secretary David K. Stall

1.0 CALL TO ORDER / ROLL CALL:

The meeting was called to order by Mayor Webber at 7:00 p.m.

2.0 PLEDGE OF ALLEGIANCE

3.0 SPECIAL PRESENTATION

Chief Harrison introduced the newest member of the police department, Officer Tim Haase. Officer Haase has 29 plus years of experience with the Houston Police Department; he has received numerous service awards from various city leaders and citizen groups; and, his expertise includes field training, crisis intervention and K-9 training. We are very fortunate to have such an honorable professional joining our department.

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting February 24, 2014 – Rick Moses moved to approve the February 24, 2014 Regular Council Meeting minutes; seconded by Nancy Schnell. Motion carried unanimously.

4.2 Regular Council Meeting March 10, 2014 – Mike Wheeler moved to approve the March 10, 2014 Regular Council Meeting minutes; seconded by Rick Moses. Motion carried unanimously.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Webber – Mayor Webber have no new item to report.

5.2 Alderman Wheeler – Report on animal control activities.

During the last few meetings, the citizens had voiced their concerns on the enforcement of our city ordinance regarding animal control. Tonight, I would like to report that I had a meeting with Mr. Stall and Mayor Webber, to discuss and review: (1) the city's current regulation on animal control; (2) Mr. Yovino's pet

registration form proposal; (3) numerous different point-of-views received from other residents. After a throughout review and comparison of our pet registration procedures to neighboring city, I feel that our current pet registration process is sufficient and would not place the city at risk for potential litigation. Second, I'm requesting a rigid enforcement of the city's ordinance regarding animal control from our police department. Furthermore, in an effort to spread public awareness regarding animal control; pet ownership responsibility and pet registration, a reminder from Mayor Webber was included in the water bill mail out and it is also posted on the main page of the city's website www.cityofshoreacres.us

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen's Comments:

Ms. Darlene Bays - 616 Baywood: Ms. Bays requested: (1) stricter code enforcement regarding removal of dead trees on vacant lots; (2) Council to scrutinize the city's legal fees from city attorney, it is too expensive.

Mr. Neil Moyer – 1118 N. Country Club: With the May election approaching, Mr. Moyer requested citizens to be respectful of all political signs endorsing candidate(s); please do not vandalize them.

Ms. Charlotte Wells – 3342 Miramar: Ms. Wells reminded citizens/candidates to abide by the city's signs ordinance. In addition, she has several complaints about city staff: (1) the slow turn-around time from city staff when requesting for documents thru the public information request process, she's very concerned about the city drainage issues, especially the newly built house next to her. (2) Requested that all of her personal pictures to be remove from the city's Flickr page. (3) Stated that during a recent Board of Adjustment meeting, a variance request for the removal of some large oak trees was approved. Ms. Wells believes that the newly appointed board members were persuaded by the City Administrator's comment regarding the positive financial outlook for our city from tax collection on these high value new homes; in her opinion this comment is clearly inappropriate.

Mr. Michael Schnell – 618 Baywood: Mr. Schnell had some questions regarding the water plant project and asked for clarification on whether he should address it now or wait until Mr. Stall presents his Administrative Report. Mayor Webber stated that Mr. Schnell should wait to ask his questions after Mr. Stall's Administrative Report.

Mr. Gerry Victor - 3346 Miramar: Regarding the recent discussion of tree removal, Mr. Victor suggested that Council should amend the city codes to such that if a property owner or builder remove a tree for any reason they are obligated to replace it with a smaller tree in another part of the city. The tree replacement program would promote the preservation of natural resources & wildlife in our city and it also keep Shoreacres in a country-like environment.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator Report: Mr. Stall reported that over the week-end there was a barge mishap on the ship channel in Texas City; the Houston Yacht Club was notified and our police department is actively monitoring the situation. There's a very small number of wildlife impacted by the oil spill and if our residents notice

oil residue on birds please call 888-384-2000 and do not touch them. We will also have this information available on our website www.cityofshoreacres.us

7.1.1 Street & storm drainage project updates: These projects are almost at completion. The contractors are now in the process of removing silt screens in areas that they are no longer needed.

7.1.2 Water and sewer project updates: Our contractors are actively working thru the final punch list. Both water plants are fully in operation. Mr. Schnell asked for an explanation on the function of the restrictor's plate.

7.1.3 Land purchase for future storm drainage project: Mr. Stall reported that Harris County has agreed to convey to us a piece of property on Seagrove that can only be used for storm.

7.2 Monthly Financial Report is as follow:

General Fund	\$451,006
Utility Fund	\$ 62,187
Service Deposit	\$ 55,462
TxCDBG	\$ 27,264
TxPool	\$954,840
CD's	\$250,000

Property tax collected for February is \$57,184 and YTD is \$744,922.

General sales tax collected for February is \$6,122.

Road maintenance sales tax for February is \$1,531.

8.0 BUSINESS

8.1 Consideration and approval of invoices.

Rick Moses moved to pay our bills; Seconded by Mike Wheeler. Motion carried unanimously

8.2 Consideration and action to appoint citizen members to the Miramar Shoreline Advisory Group.

Mayor Webber reported that we are currently lacking a representative from the West district for the Miramar Shoreline Advisory Group. Nancy Schnell made a recommendation to allow a member from the East district (Ms. Charlotte Wells) to represent the West district.

Nancy Schnell motion to amend Resolution No. 2014-125 to omit a West district member representing the City of Shoreacres; seconded by Steven Jones. Motion carried unanimously.

Steven Jones nominated Charlotte Wells to the open position. No other nominations were heard.

Mayor Webber called for a vote on Charlotte Wells. Election was unanimous.

Nancy Schnell moved to schedule the first Shoreline Advisory meeting to be on Wednesday, April 2, 2014 at 6:00 p.m. at City Hall in the Tom Coleman Room; seconded by Rick Moses. Motion carried unanimously.

- 8.3 Consideration and action to ratify Mayor's nominee for appointment to Position 7 of the Planning and Zoning Commission for a term beginning March 25, 2014 and ending January 31, 2016.

Mayor Webber nominated Mrs. Diane Victor to Position 7 of the Planning and Zoning Commission.

Rick Moses moved to ratify the appointment of Mrs. Diane Victor to Position 7 of the Planning and Zoning Commission; seconded by Steven Jones. Motion carried unanimously.

- 8.4 Consideration and approval of 2014 consumer price index adjustment to municipal telecommunications right-of-way access line rates.

Rick Moses moved to approve the adoption of the 2014 consumer price index adjustment to municipal telecommunications right-of-way access line rates. Seconded by Nancy Schnell. Motion carried unanimously.

9.0 ADJOURNMENT.

The meeting was adjourned at 8:08 p.m.

PASSED AND APPROVED ON THIS 14TH DAY OF APRIL, 2014.

Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Administrator / City Secretary

Shoreacres Police Department

602 Shore Acres Blvd., Shoreacres, Texas 77571 / 281.307.1950 / Fax: 281.471.8955



MEMORANDUM

DATE: April 3, 2014
TO: City Council
FROM: Troy D. Harrison
RE: March Activity report

Below are the listed calls for service during the month of March, 2014:

Traffic Issue:	14
Residential Alarms:	3
Animal Control:	2
Assist other LEA:	6
Assist Citizen:	5
Burglary:	2
Criminal Mischief:	3
Disturbance:	4
Traffic Accident:	3
Susp Circumstance:	11
Theft:	3
City Ord Violation:	1
Welfare Concern:	4
Total Calls for Service:	119
Traffic Contacts:	38
House Watch:	5

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MEMORANDUM

City of Shoreacres

601 Shore Acres Blvd., Shoreacres, TX 77571-7262 / 281.471.2244 / 281.471.8955 Fax



DATE: April 3rd, 2014

TO: David K. Stall, City Administrator

CC:

FROM: Erick Ingram, Interim Public Works Director

REF: Public Works Monthly Report (March) 2014

FILE REFERENCE: M11060701 RF Missing Receipt.docx

Public Works purchased 5,042,000 Gallons of water in March. We purchased 4,000,000 gallons in February.

Public Works employees installed three new water taps for new service on Miramar. Public Works employees also repaired three main line water breaks.

There were no other special projects to report on at this time.

**PUBLIC WORKS
Monthly Productivity Report**

Month : March 2014

	Total Calls		Total Collected in Cu. Yrds.
Water/Wastewater	14	***Solid Waste***	35
Water Repairs	3	Recycling :	35
Meter Changeouts	2	* Paper	9
Backfills (Yard Cleanups)	3	* Plastic	11
Fire Hydrant Repairs	0	* Cardboard	12
Water Taps	3	* Aluminum Cans	2
Water Plant Repairs	0	* Glass	1
Sewer Taps	0	Debris Removal	0
Sewer Point Repairs	0		
Lift Station Repairs	0		
Manhole Repairs	0		
After Hour Repairs	3		

Repairs

Streets and Drainage		***ROW Maintenance***	
Potholes :	0	Miles Mowed	0
* Concrete Repairs	0	Miles of Ditch Inspected	0
* Asphalt Repairs	0	Culverts Inspected	0
Drainage Cave-in Repairs	0	Hours Mowed	5
Traffic	0	***Parks***	
Stop Sign Repairs	1	Cubic Yards of Trash Removed	3
Safety Sign Repairs	0	Park Equipment Repair	0
Public Notification Signs Repaired	0	Lighting Repairs	0

HR 3370 – Homeowner Flood Insurance Affordability Act

Summary Questions:

What is the Title or Name of the Legislation?

HR 3370 – Homeowner Flood Insurance Affordability Act (a.k.a. Grimm-Waters 2014)

Co-Sponsored by Rep. Michael Grimm (R-Staten Island NY)

Co-Sponsored by Rep. Maxine Waters (D-South Los Angeles CA)

Co-Sponsored by an additional 120 Representatives

What is the impetus for / origin of the Legislation?

Many legislators argued that the Biggert-Waters Flood Insurance Reform Act of 2012 (BW12) brought forward unbearable financial consequences for their constituents

What is included in the Legislation?

“An Act to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.”

Sec. 3: Repeal of certain rate increases

Clarifies that ‘deliberate choice of the policy holder’ should say “unless the decision of the policy holder to permit a lapse in flood insurance coverage was a result of the property covered by the policy no longer being required to retain such coverage”

Six to Eight month Timelines are established for FEMA to provide updated guidance and rate tables for use of the insurance industry

Excess premium charges will be refunded based upon these changes

Sec. 4: Restoration of grandfathered rates

The entire section that eliminated grandfathered rates in the BW12 Act is removed and have an effective date equivalent to BW12 (i.e. as if it never occurred)

Sec. 5: Requirements regarding annual rate increases

Sets a cap of 18% each year for annual rate increases, except for several specific circumstances

Sec. 6: Clarification of rates for properties newly mapped into areas with SFHAs

Properties located in an area not previously designated as SFHA in a newly mapped area will be rated as a Preferred Risk Policy for the first year and upon renewal will be calculated using an annual premium rate increase of 15% each year until the rate reaches the calculated rate

Sec. 7: Premiums and reports

Requires a report from FEMA to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate for all policies where the premiums exceed 1% of the total coverage provided by the policy

Sec. 8: Annual premium surcharge

Assignment of \$25 (most cases) surcharge and \$250 (non-residential and non-primary residence) surcharge to be deposited in a Reserve Fund.

Sec. 9: Draft affordability framework

Framework that proposes to address the issues of affordability must be completed and delivered to Congress within 18 months of the completion of the Affordability Study requested under BW12

Required Criteria: (1) Accurate communication to consumers of the flood risk associated with their properties, (2) Targeted assistance to policy holders based on their financial ability to continue to participate in the NFIP, (3) Individual or community actions to mitigate the risk of flooding, (4) Impact of increases in risk premium rates on participation in the NFIP, (5) Impact of map updates on the affordability of insurance.

Sec. 10: Risk transfer

Authority given to FEMA to secure reinsurance from private reinsurance and capital markets to obtain sufficient coverage reasonable and appropriate to pay claims

Sec. 11: Monthly installment payment for premiums

Establishes monthly payment schedule must be in place as an option, in addition to annual payment, within 18 months of the enactment of this Act.

Sec. 12: Optional high-deductible policies for residential properties

Provides for FEMA to conspicuously include the option of a high-deductible option of up to \$10,000 in the coverage options available to policy holders.

Sec. 13: Exclusion of detached structures from mandatory purchase requirement

Clarifies that structures that are not attached to the 'primary residential' structure shall not require flood insurance coverage or be included in the rating for premiums.

Although the NFIP will no longer require coverage, mortgage lenders may still require coverage.

Sec. 14: Accounting for flood mitigation activities in estimates of premium rates

Rates will be calculated to reflect the flood mitigation activities that an owner or lessee has undertaken on a property, including differences in the risk involved due to land use measures, floodproofing, flood forecasting, and similar measures.

Sec. 15: Home improvement fairness

Changes from 30% to 50%

Sec. 16: Affordability study and report

Adds to the already requested Affordability Study: options for maintaining affordability if annual premiums were to reach an amount greater than 2% of the liability coverage, including options for enhanced mitigation assistance and means-tested assistance

Adds: the effects that the establishment of a catastrophe savings account would have regarding long-term affordability of flood insurance coverage

Extends the timeframe for the study to be completed to a date 18 months following the enactment of this Act

Increases funding for the Affordability Study from \$750K to \$2.5M

Sec. 17: Flood insurance rate map certification

Requirement for FEMA to implement a flood mapping program for the NFIP only after review by the TMAC that when applied results in technically credible flood hazard data in all areas where flood insurance rate maps are prepared or updated -- and shall certify in writing to the Congress when the program has been implemented

Sec. 18: Funds to reimburse homeowners for successful map appeals

When 'successful' appeals to FEMA's maps are submitted and resolved, FEMA shall use funds from the National Flood Insurance Fund to reimburse homeowners for expenses.

Sec. 19: Flood protection systems

Clarifies in progress assessments of flood protection systems for the purposes of providing protection and adjusting associated premiums, i.e. if (1) 100% of the cost has been authorized, (2) at least 60% of the cost of the system has been appropriated, (3) at least 50% of the cost of the system has been expended, and (4) the system is at least 50% complete.

This applies to both riverine and coastal levees

Sec. 20: Quarterly reports regarding Reserve Fund ratio

These reports are now required to be submitted quarterly

Sec. 21: Treatment of floodproofed residential basements

FEMA is required to continue to extend exceptions and variance for flood-proofed basements consistent w/ 60.3 and 60.6 of 44 CFR

Sec. 22: Exemption from fees for certain map change requests

Elimination of fees for LOMCs in cases where the change is based on a habitat restoration project that is funded in whole or in part with Federal or State funds

This includes projects like dam removal, culvert redesign, culvert installation, or installation of fish passage

Sec. 23: Study of voluntary community-based flood insurance options

Provides 18 months for FEMA to report back to Congress on the best manner to incorporate voluntary community-based flood insurance policies and also a strategy to implement these policies in a way that would encourage mitigation activities

There is also a requirement for this study to be closely coordinated with the Comptroller General

Sec. 24: Designation of flood insurance advocate

FEMA shall designate a 'Flood Insurance Advocate' to advocate for the fair treatment of policy holders

Duties include A. educating policy holders, B. assisting policy holders to understand procedural requirements for (1) appealing the preliminary flood maps and (2) mitigating evolving risks, C. assist in developing regional capacity to respond to individual constituent concerns about flood hazard data, D. coordinate outreach and education with local officials and community leaders in areas impacted by map changes, and E. aid potential policy holders in obtaining accurate and reliable insurance rate information

Sec. 25: Exceptions to escrow requirement for flood insurance payments

Refinement to the escrow requirements for specific situations

Sec. 26: Flood mitigation methods for buildings

FEMA shall establish guidelines within one year of enactment of this Act for alternate mitigation methods, other than elevation, for buildings that can not be elevated due to their structural characteristics

FEMA shall inform property owners how the mitigation methods, if implemented, may affect premium rates

Sec. 27: Mapping of non-structural flood mitigation features

Efforts should occur for FEMA to work with states, local communities and property owners to identify areas protected by non-structure flood mitigation features

Sec. 28: Clear communications

FEMA shall clearly communicate full flood risk determinations to individual property owners regardless of whether their premium rates are full actuarial rates

Sec. 29: Protection of small businesses, non-profits, houses of worship, and residences

FEMA shall report to the Congress no later than 18 months after the enactment of this Act on the affordability of flood insurance for small businesses, non-profits, houses of worship and residences with a value of equal to or less than 25% of the median home value of properties in the State in which the property is located.

As soon as the determination is made that rate increases are resulting in lapsed policies, late payments, etc. for small businesses, non-profits, houses of worship, and/or residences with value equal to or less than 25% median home value, FEMA must make recommendations within 3 months to the Congress to improve affordability.

Sec. 30: Mapping

Adds the requirement for FEMA to notify the community, before any mapping or map updates begin, of the model or models that FEMA plans to use along with an explanation of why the model is appropriate

Provide 30 days to the community to coordinate with FEMA over this decision / selection of model(s) without waiving the right to appeal the subsequent study

Provide interim data to the community along with a 30 day comment period to allow for the community to provide supplemental or modified data that is consistent with prevailing engineering principles

Provide 30 days advance notice, in writing, to each Senator and the member of the House of Representatives for the affected community with estimated schedule for community meetings, publication dates of notices, beginning of the appeals process, and the estimated number of homes and businesses affected by the map changes

Sec. 31: Disclosure

Changes in rates resulting from this Act will be provided no later than 6 months following the date of enactment of this Act

Report on Policies and Claims data will be provided no later than 90 days following the date of enactment of this Act

**ORDINANCE No. 2014-158
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES TO REQUIRE THAT THE RECORDINGS OF CITY COUNCIL MEETINGS TO BE USED AND RETAINED TO SATISFY TEXAS GOVERNMENT CODE; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 2-83 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-83. Rules of order and procedure for council meetings.

- (a) *Time of meetings/closed sessions.* Regular meetings of the city council shall be held on the 2nd and the 4th Monday of each month in the council chambers, city hall, commencing at 7:00 p.m. except when agreed on by majority vote of council to another time/date. The order of business shall be described in subsection (b) (order of business).

Closed sessions will be scheduled as needed on the regular agenda.

The council shall not consider any resolution, motion, or matter that does not affect the conduct of the business of the City of Shoreacres or its corporate powers or duties as a municipal corporation. The council shall not consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of Texas, the Congress of the United States, or before any officer or agency of said state or nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Shoreacres or its officers or employees as such. Communications that do not directly relate to the conduct of business for the City of Shoreacres shall be provided to council on an information only basis. Such communications may be submitted on a council agenda upon request of a council member.

- (b) *Order of business.* The agenda for regular council meetings shall be taken up for consideration in substantially the following order. The mayor or a member of council may at any time, by majority consent, change the order of the agenda items. City council agenda items that are continued from one meeting to another shall have preference on the agenda. If items are scheduled for a specific time, the council will attempt to address those issues at the specific time.

7:00 p.m.	Call to order
	Roll call
	Pledge of Allegiance (at the discretion of the presiding officer)
	Special presentations
	[Approval of minutes]
	Council reports/general requests
	Public comments
	Administrative reports
	Business
	Closed session (if applicable)
	Adjourn

- (c) *The following is a general policy statement discussing the process and/or policy related to the order of business (subsection (b)):*

- (1) *Call to order.* The presiding officer will call the meeting to order at the posted time.
- (2) *Roll call.* The city clerk will call roll as the first order of business at each meeting.
- (3) *Pledge of allegiance.* The presiding officer will lead in the Pledge of Allegiance as the second order of business at each meeting, if desired.

- (4) *Special presentations.* Special presentations in recognition of persons or groups, or for the promotion of an event or service shall be scheduled by the mayor and city clerk. Requests for special presentations must be submitted to the city clerk in writing pursuant to the agenda deadlines.
- [(5) *Approval of minutes.* Minutes of the city council meetings shall be submitted to the council for approval and/or correction in draft form at a subsequent regular meeting. Only members of the council and the city clerk have the authority to make revisions to the minutes, subject to a majority vote of the city council.]
- [(6)5] *Council reports/general requests.* Each regular meeting agenda will provide for "council comments and general requests". This is the opportunity for the council members to ask questions for clarification, provide information to staff or other members of council, request staff to report back on a matter, or to request staff to place a matter on a subsequent agenda.
- [(7)6] *Public comments.* Time shall be reserved on each regular meeting agenda to provide an opportunity for members of the public to directly address the council. Each person shall be subject to the provisions of this article. Any item of interest not appearing on the agenda that is presented by a member of the public under "citizen's comments" may be referred to the city clerk, mayor, or a member of council for investigation and placement on a future agenda if desired.

All citizens must observe the following rules with respect to comment and testimony:

- a. *Five-minute limit.* Comment and testimony shall be limited to five minutes for each member of the public who wishes to speak. "Applicants" or "appellants" are not held to this time limit. (See hearings and appeals.) All comments and testimony shall be from the podium or other approved council location; no comment shall be shouted from the audience. The city clerk shall set the timer for five minutes and comments will conclude at the end of the five-minute limit. Questions for staff or the applicant shall be made through the presiding officer. Any such questions are part of the five-minute limit.
- b. *Additional time.* If additional time is needed for public commentary, citizens must ask for this at the outset of the comment period and have it approved by the city council.

- c. *Less time.* The council may limit the total amount of time devoted to public comment, the amount of time offered to each speaker, or the number of speakers to be heard on an issue, or may make such other modifications as the council deem appropriate. To the extent practicable, the council and/or city clerk shall include notice of such modification or limit in published notice of the meeting.
 - d. *Speak only once.* Second opportunities for a member of the public to speak on the same issue or agenda item will not be permitted unless mandated by law. No member of the public may give all or part of their time to speak to another member of the public.
 - e. *Addressing the council.* Comments and testimony are to be directed to the city council. Dialogue between and inquiries from citizens and members of the staff or the seated audience is not permitted. Unless otherwise authorized by motion and vote of the council, inquiries which require staff response shall be referred to staff for response at a later time.
 - f. *Disruptive comments or conduct.* No person who addresses council shall make any belligerent, personal, impertinent, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the council, staff or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the council meeting. Nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Council shall be held to the same standards. Nothing in this section shall prohibit or discourage orderly criticism of any city decision or policy within the limits of these rules. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting.
- (8)Z) *Administrative reports.* Administrative reports are reports and recommendations from administrative staff intended for council discussion or to inform council of items of interest.

Staff reports and related background material regarding these agenda items should be received by the city clerk by noon, four days prior to the meeting.

~~(9)8~~ *Business.* All items of business, such as contracts, agreements, ordinances, and resolutions that require action to be addressed by council should be presented under business. During discussion council members may ask questions of staff or other members of council for clarification. The city administrator shall serve as a resource to the council and provide information to facilitate its ability to make informed decisions. The mayor may allow public comment or testimony germane to the item of business under consideration by council.

~~(10)9~~ *Closed session (if applicable).* Closed sessions will be carried out according to Texas Laws, or as defined by law.

~~(11)10~~ *Adjournment.* Generally, council meetings should adjourn by 10:00 p.m.

Any items not completed at the conclusion of a meeting shall be continued at the next regular meeting and shall be considered before any new items within their category.

That section 2-86 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-86. Policies regarding the conclusion of council meeting.

(a) Following a council meeting it is the city ~~clerk's~~ secretary's responsibility to ~~ensure that the city council meeting audio or video recording is retained according to Texas Government Code.~~

~~[Prepare accurate minutes of the official record of the meeting. Minutes need to be clear, concise, precise, and unambiguous. Minutes need to show exactly what actions were taken and what decisions were made at the meeting but not necessarily everything that was said. The facts contained in the minutes are treated as evidence in a court of law.]~~

~~The minutes must include:~~

- ~~Type of meeting.~~
- ~~Name of body.~~
- ~~Location, date and time of meeting.~~
- ~~Officials present/absent.~~
- ~~Topics of business.~~
- ~~Actions taken on topics of business.~~
- ~~Record of motions.~~
- ~~Record of voting.~~
- ~~Time of adjournment.~~
- ~~Signature blocks for presiding officer and clerk.~~

~~The mayor or presiding officer and city clerk's signature must appear together on the same page, as the city clerk attests to the mayor's signature. At least one paragraph of the minutes must also appear on this page.~~

~~Final minutes are usually prepared within two to three weeks following the meeting. The city clerk reviews the final draft, then places on an upcoming agenda for council approval.~~

~~Minutes are kept in accordance to law in the city clerk's department.]~~

- (b) *Administrative mandamus.* Persons who are dissatisfied with a decision of the city council may have the right to seek review of that decision by a court. In addition, the city has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to 90 days' time limit within which the decision of city boards and agencies may be judicially challenged.
- (c) *Appeals and continuances.* Appeals shall be filed with the city clerk (unless otherwise provided by Code) pursuant to applicable state and local regulations. Appeals not filed pursuant to the provisions of local regulations shall not be submitted to the city council until same complies with local provisions.
- (d) *Reconsideration and rescission.*
 - (1) Except for votes regarding matters which are quasi judicial, involve the adoption of an ordinance, or where reconsideration is governed by a specific law, ordinance or resolution, any member of the council voting in a majority on any action of the council may, at the same meeting, or at a regular council meeting held within 35 days after such action, move to reconsider such action. In the latter case, a request for reconsideration shall be submitted to the city clerk at least four days prior to such meeting and shall be placed on the agenda. A written request for reconsideration submitted to council shall be provided to all council members on an informational basis. A vote reconsider must be seconded and requires the affirmative vote of a majority of the council for passage. A vote to reconsider may be continued to a date certain. The council may adopt specific rules governing reconsideration of designated types of actions or matters.
 - (2) A written request for council reconsideration of a quasi judicial decision by any interested party shall be filed with the city clerk within ten days of the decision. A copy of the request for reconsideration shall be provided to all council members. After a request has been filed with the city clerk, any council member may instruct the city clerk to place such request on the next regular council agenda. A council member may also directly request reconsideration of a quasi judicial decision by instructing the city clerk to place such request on the next council agenda. Unless the city clerk is so instructed by a council member within 35 days of a decision, any request for reconsideration shall be deemed denied and no further requests for reconsideration shall be entertained. In such case, the clerk shall so notify the party requesting reconsideration as well as the applicant or subject of the decision, if different. If reconsideration is placed on the council agenda, voting shall follow (1) above.

- (3) The council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements unless otherwise specified by law.

PASSED AND APPROVED this the 14th day of April 2014.

(CITY SEAL)

Matt Webber, Mayor

ATTEST:

David K. Stall, CFM
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	M. Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	S. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____
David Stall, City Secretary - Date

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