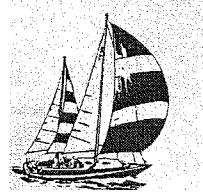


City of Shoreacres



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, May 11, 2015 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 Recognition of National Police Week.

3.2 Recognition of Motorcycle Safety Awareness Month.

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting: April 27, 2015.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Moses – Report on meetings attended.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Public Comments

This is the opportunity for the public to address council or comment on items which appear on the agenda. Time is limited to five minutes per speaker. Comments are to be directed to the city council and dialogue with the audience is not permitted. Councilmembers are prohibited by law from participating in discussion or deliberation of items not specifically identified on this agenda.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator David Stall – General Activity Report.

7.2 Monthly Police Department Report. ^{Chief Harrison}

7.3 Monthly Public Works Department Report. ^{David Stall}

8.0 BUSINESS

- 8.1 Consideration and approval of invoices. ^{Stall}
- 8.2 Discussion of the city's actions in response to an open record request made by Kim Sanford on April 23, 2015. ^{Schnell}

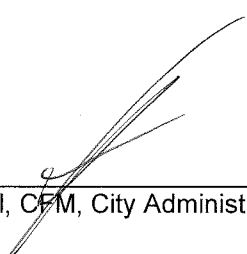
9.0 ADJOURNMENT

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 May 7, 2015 at or before 8:00 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 7TH DAY OF MAY 2015.



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 _____, 2015.

BY: _____

City of Shoreacres



MEETING MINUTES

The City Council of the City of Shoreacres, Texas, met in Regular Session on
Monday, April 27, 2015 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	Rick Moses
Mayor pro tem	Richard Adams
Alderman	Bo Bunker
Alderman	Neil Moyer
Alderwoman	Nancy J. Schnell
Alderman	Mike Wheeler

City Administrator / City Secretary David K. Stall, CFM, TEM

1.0 CALL TO ORDER / ROLL CALL:

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

2.0 PLEDGE OF ALLEGIANCE

3.0 SPECIAL PRESENTATION

3.1 None

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting April 13, 2015 – Richard Adams moved to approve the April 13, 2015 Regular Council Meeting minutes; Seconded by Bo Bunker. Motion carried unanimously.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Moses – Report on meetings attended.

Mayor Moses held numerous meetings with TxDOT representatives regarding the installation of a traffic light at Old Hwy 146 & Shore Acres Blvd.; and, evaluating a safer feeder road merging onto Hwy 146 North from Shore Acres Blvd.

A second Town Hall meeting has been scheduled with representatives of TxDOT. The meeting will be held at the Houston Yacht Club on Wednesday, May 6 at 6:00 p.m. The discussion subject will be the Sound Wall at Hwy 146.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen Comments:

David Jennings, 1017 W. Forest – Mr. Jennings voice his opinions on tonight's Agenda Item 8.2; Item 8.3 and Item 8.4.

Ron Hoskins, 418 Seagrove – Mr. Hoskins commented on the subject of political signs placement.

Charles Haist, 122 Meadowlawn – Mr. Haist complimented our Police Department, Chief Harrison, and his staff for their assistance with keeping trespassers off the members only Shoreacres Recreation Association pier.

James Hedges, 2 Shore Acres Circle – Mr. Hedges concured with Mr. Haist on his comment.

Darlene Bays, 616 Baywood – Ms. Bays suggested a once a year Clean-Up Green-Up, where cut tree branches can be mulch-up for citizens to use in their yards. Also, there's a house on Baywood that has been vacant since Hurricane Ike and it is being used for business storage; there should be a time limit on building permits.

Alicia McCarty, 506 Baywood – Ms. McCarty asked for a resolution to the fluctuation of the monthly meter reads at her resident.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator Report: Mr. Stall reported on the following: Public Works is now staffed with two boom mower operators. One of our Public Works employees has recently completed the animal control officer training. Our audit presentation will be on Tuesday May 26th. He attended the required bi-annual Public Fund Investment Act training in Austin last week. Mr. Ray Dodd has resigned to accept another position. Republic Waste is behind again on the heavy pick-up; therefore, we will be utilizing an alternative service to keep the accumulation from getting too large.

7.2 Monthly Financial report

General Fund Checking	\$ 571,659.22
Utility Fund Checking	\$ 27,647.97
Service Deposit Checking	\$ 56,173.44
TxCDBG Checking	\$ 100,576.59
TexPool	\$ 595,830.68
Certificates of Deposit	\$ 255,852.00
Property tax collected YTD	\$ 825,937.30
General sales tax collected YTD	\$ 37,263.71
Road maintenance sales tax collected YTD	\$ 1,332.67

8.0 BUSINESS

8.1 Consideration and approval of invoices.

Nancy Schnell moved to pay our bills; Seconded by Neil Moyer. Motion carried unanimously.

8.2 Discussion and action to approve a plan for soliciting voluntary contributions to benefit city parks as authorized by Resolution No. 2013-118.

After discussion, Council approved Mr. Stall's recommendation to proceed with the use of a pre-printed sheet of three monthly coupons to be insert with the utility bill quarterly.

8.3 Discussion and action to adopt Ordinance No. 2015-179 amending City Code Sec. 2-82 Norms of operation.

Bo Bunker moved to adopt Ordinance No. 2015-179. Seconded by Neil Moyer. Motion carried with Bo Bunker, Neil Moyer, and Mike Wheeler voted For. Richard Adams and Nancy Schnell voted Opposed.

8.4 Review of city policies, rules, regulations, and state statutes relating to the placement of political signs.

Mr. Moyer led the discussion to review the city political sign policies, rules, and regulations. Attorney Noman Giles representing the City of Shoreacres advised council that removal of the signs did not create any First Amendment right issues and that the city had the authority to remove signs from city property. No action was taken.

8.5 Consideration and approval of the 2015 consumer price index adjustment to municipal telecommunications right-of-way access line rates.

Nancy Schnell moved to accept the 2015 consumer price index adjustment to municipal telecommunication right-of-way access line rates. Seconded by Mike Wheeler. Motion carried unanimously.

9.0 ADJOURNMENT

With no further business pending on the agenda, the meeting was adjourned by Mayor Moses at 8:03 p.m.

PASSED AND APPROVED ON THIS 11th DAY OF May, 2015.

(CITY SEAL)

Rick Moses, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Administrator / City Secretary

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Shoreacres Police Department

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



MEMORANDUM

DATE: May 5, 2015
TO: City Council
FROM: Troy D. Harrison
RE: April Activity report

Below are the listed calls for service during the month of April, 2015:

911 HANG UP	1
ACCIDENT MAJOR	1
ALARM BURGLAR	2
ALARM HOLD UP	1
ANIMAL CONTROL PROBLEM	10
ASSIST BY LAW	40
ASSIST CITIZEN	6
BURGLARY	1
CIVIL PROBLEM STANDBY	1
CRIMINAL MISCHIEF	1
DISABLED VEHICLE	8
DISORDERLY CONDUCT	1
DISTURBANCE	7
FLAGDOWN	1
FOLLOW UP	4
HARASSMENT	1
INTOXICATED DRIVER PERSON	1
LOST MISSING RECOVERED ABDUCTD	1
LOUD MUSIC NOISE	3
MINOR ACCIDENT	2
NARCOTICS VIOLATION	1
PARKING VIOLATION	2
RECKLESS DRIVER CONDUCT	8
SUSPICIOUS CIRC PERSON VEHICLE	34
THEFT	4
TRAFFIC HAZ PROB DIRECT RELAT	5
TRAFFIC STOP	140
TRESPASS	2
UNAUTHORIZED USE OF M/V	1
VEHICLE IN THE DITCH	1
VIOLATION CITY ORDINANCE	4
WARRANT SERVICE	1
WELFARE CONCERN	3
Total Calls	299

Citations: 266
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: May 5th , 2015

TO: David K. Stall, City Administrator

CC:

FROM: Erick Ingram, Public Works Director

REF: Public Works Monthly Report (April) 2015

FILE REFERENCE: Monthly Memo April 2015.docx

Public Works purchased 4,065,000 Gallons of water in April.

Public Works Utility crew repaired 7 water leaks 7-Mainline 0-Service connections

Utility crew will continue painting fire hydrants to code weather permitting.

Mr. Dodd resigned 4/21/2015 – Public Works thanks him for the services he provided for the City of Shoreacres.

Mr. Arriaga has been trained to run slope/boom mower and has accepted his new duties concerning Parks daily responsibilities.

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

**PUBLIC WORKS
Monthly Productivity Report**

Month : April 2015

	Total Calls		Total Collected in Cu. Yrds.
Water/Wastewater	7	***Solid Waste***	
Water Repairs	7	Recycling :	40
Meter Changeouts	0	* Paper	6
Backfills (Yard Cleanups)	5	* Plastic	12
Fire Hydrant Repairs	0	* Cardboard	18
Water Taps	0	* Aluminum Cans	2
Water Plant Repairs	0	* Glass	2
Sewer Taps	0	Debris Removal	0
Sewer Point Repairs	0		
Lift Station Repairs	0		
Manhole Repairs	0		
After Hour Repairs	0		

Repairs

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

Monthly Flushing Report Apr-15	Chlorine Residual		Date		Gallons
3548 Bayou Forest	3.9		4/13/2015		4800
Shore Acres Blvd @ W. Country Club	3.6		4/30/2015		4800
N. Country Club @ Centre	3.5		4/30/2015		4800
S. Country Club @ Centre	3.5		4/30/2015		4800
E. Country Club @ Forest	3		4/30/2015		4800
Shore Acres Blvd @ Old Hwy 146	3.1		4/30/2015		4800
Fairfield @ Byway	3.6		4/30/2015		4800
Baywood @ Byway	2.9		4/30/2015		4800
Shore Acres Blvd @ Sunrise	2.4		4/30/2015		4800
Westview between Shady Lawn & Oakdale	2.9		4/30/2015		4800
Park @ Baywood	2.9		4/30/2015		4800
635 Baywood	2		4/30/2015		4800
Fairfield @ Sunrise	3.6		4/30/2015		4800
Fairfield @ Miramar	3.7		4/30/2015		6000
Miramar @ Forest	3.7		4/30/2015		6000
Oakdale @ Brookside	3.8		4/30/2015		54000
Miramar @ Oakdale	3.8		4/30/2015		54000
Miramar @ Baywood	3.8		4/30/2015		6000
Total Gallons Flushed					188,400

|



16055 Space Center Blvd.
Suite 150
Houston, Texas 77062

281.480.1211 tel.
281.480.1210 fax

May 1, 2015

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7013 2630 0001 3013 5216**

Attorney General Ken Paxton
Open Records Division
P.O. Box 12548
Austin, Texas 78711

RE: Open Records Request for Information to the City of Shoreacres, Texas.

Dear General Paxton:

The following documents are enclosed for your review and consideration in the above-referenced matter:

- (1) The City of Shoreacres's (hereinafter referred to as "City") response to said Request, objecting to all information and identifying the basis for which the City deems the data to be exempt.
- (2) City's documents responsive to the request (Exhibit B, C, D, E and F).
- (3) Copy of Kimberly Sanford's open records request received by the City on April 23, 2015 (Exhibit A).

REQUEST

The City respectfully requests an open records determination as to whether the documents must be produced and/or furnished.

BACKGROUND INFORMATION AND EXEMPTIONS

The identity of the requestor and the documents requested shall be identified below. The below-described objections give rise to the City's belief that the documents in its possession are exempt from public disclosure.

OPEN RECORDS REQUEST

- 1) Kimberly Sanford's request is dated April 23, 2015; the request was received by the City on April 23, 2015.

Ms. Sanford requests that the City produce "all reports (Police, City) pertaining to 618 Baywood Street, LaPorte, Texas 77571 or Nancy and Michael Schnell within the past seven (7) years."

CITY'S OBJECTION

The City objects to the disclosure of the following information:

As to Exhibit B (October 2, 2014 report), the City objects to the entire report:

Pursuant to Section 552.108 of the Texas Government Code, the City believes that Exhibit B is exempt from public disclosure.

Section 552.108 states the following:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detention, investigation, or prosecution of crime is excepted from the requirement of Section 552.021 if:
 - (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecuting is excepted from the requirements of Section 552.021 if:
 - (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

Exhibit B is confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is being held by the Shoreacres Police Department's law enforcement agency and deals with an investigation. Exhibit B relates to a prior offense report. The investigation did not result in a conviction or deferred adjudication for Nancy Schnell. Rather, the investigation did not result in any criminal action. Accordingly, the City believes that Exhibit B is exempt from public disclosure.

Similarly, Exhibit B is confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is part of an internal record or

notation held by the Shoreacres Police Department's law enforcement agency and deals with an investigation. Exhibit B relates to a prior offense report. The investigation did not result in a conviction or deferred adjudication for Nancy Schnell. Rather, the investigation did not result in any criminal action. Accordingly, the City believes Exhibit B is exempt from public disclosure.

Alternatively, the City objects to the disclosure of Exhibit B based on Section 552.101 of the Government Code which excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Section 552.101 of the Government Code excepts from required public disclosure information held confidential under case law. The section applies to information when its disclosure would constitute the common law tort of invasion of privacy through the disclosure of private facts. The information must 1) contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and 2) be of no legitimate concern to the public. See *Industrial Foundation of the South v. Texas Industrial Accident Board* 540 S.W. 2d. 668 (Tex. 1976).

In this case, Exhibit B involves an incident that took place in the backyard of Nancy Schnell's own home. The report does contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person. The City claims that Nancy Schnell has an expectation of privacy of those private events that occur in her own backyard. Further, the City claims that the report is of no legitimate concern to the public because it occurred in Nancy Schnell's backyard, the contents of the offense report did not result in any criminal charge and the offense report contains private facts, to which Nancy Schnell maintains an expectation of privacy.

Third, the City objects to the release of Exhibit B under HIPPA laws. The result of the offense report was no criminal action against Nancy Schnell, but rather a temporary mental health commitment. This offense report, being tied to the temporary mental health commitment, is part of Nancy Schell's medical records that she has an expectation of privacy under the Medical Practice Act and HIPPA laws.

Finally, the City objects to the release of the listed cellular phone numbers, driver's license numbers and serial numbers in Exhibit B under sections 552.101 and 552.129 of the Government Code.

As to Exhibit C (May 18, 2012 report), the City objects to the release of the listed phone numbers, driver's license numbers and license plate numbers under sections 552.101 and 552.129 of the Government Code.

As to Exhibit D (August 1, 2012 report), the City objects to the release of the listed phone numbers, and driver's license numbers under sections 552.101 and 552.129 of the Government Code.

As to Exhibit E (October 18, 2008), the City objects to the release of the listed social security numbers, phone numbers, driver's license numbers and serial numbers under sections 552.101

and 552.129 of the Government Code.

As to Exhibit F (July 18, 2012), the City objects to the release of the entire report.

Pursuant to Section 552.108 of the Texas Government Code, the City believes that Exhibit F is exempt from public disclosure.

Section 552.108 states the following:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detention, investigation, or prosecution of crime is excepted from the requirement of Section 552.021 if:
 - (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecuting is excepted from the requirements of Section 552.021 if:
 - (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

Exhibit F is confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is being held by the Shoreacres Police Department's law enforcement agency and deals with an investigation. Exhibit F relates to a prior offense report. The investigation did not result in a conviction or deferred adjudication for Nancy Schnell. Rather, the investigation did not result in any criminal action. Accordingly, the City believes that Exhibit F is exempt from public disclosure.

Similarly, Exhibit F is confidential and exempt from disclosure pursuant to Section 552.108 of the Texas Government Code because the information requested is part of an internal record or notation held by the Shoreacres Police Department's law enforcement agency and deals with an investigation. Exhibit F relates to a prior offense report. The investigation did not result in a conviction or deferred adjudication for Nancy Schnell. Rather, the investigation did not result in any criminal action. Accordingly, the City believes Exhibit F is exempt from public disclosure.

Alternatively, the City objects to the disclosure of Exhibit F based on Section 552.101 of the Government Code which excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Section 552.101 of the Government Code excepts from required public disclosure information held confidential under case law. The section applies to information when its disclosure would constitute the common law tort of invasion of privacy through the disclosure of private facts. The information must 1) contain highly intimate or embarrassing facts about a person's private

affairs such that its release would be highly objectionable to a reasonable person and 2) be of no legitimate concern to the public. See *Industrial Foundation of the South v. Texas Industrial Accident Board* 540 S.W. 2d. 668 (Tex. 1976).

In this case, Exhibit F involves an incident that took place at Nancy Schnell's own home. The report does contain highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person. The City claims that Nancy Schnell has an expectation of privacy of those private events that occur at her home. Further, the City claims that the report is of no legitimate concern to the public because it occurred at Nancy Schnell's home, the contents of the offense report did not result in any criminal charge and the offense report contains private facts, to which Nancy Schnell maintains an expectation of privacy.

Sincerely,



Christopher Gregg
CAG/
Assistant City Attorney
City of Shoreacres, Texas
Enclosures

cc: *City of Shoreacres, Texas*

Kimberly Sanford
211 Shore Acres Boulevard
Shoreacres, Texas 77571

EXHIBIT A

KIMBERLY SANFORD
211 SHOREACRES BLVD.
LA PORTE, TEXAS 77571
(512) 351-5324

April 23, 2015

VIA HAND DELIVERY

City of Shoreacre
601 Shoreacres Blvd.
La Porte, Texas

Re: Nancy Schnell
618 Baywood Street
La Porte, Texas 77571

To Whom It May Concern:

Per the attached response to my Request for Records, dated April 21, 2015, please accept this as my amended request for records on the above-referenced names and address. I would like to request Police Records only for the past seven (7) years.

Should you have any questions, please do not hesitate to contact me at (512) 351-5324.

Thanking you in advance for your time and consideration.

Sincerely,



Kimberly Sanford

RECEIVED
APR 23 2015
Ana Wraam

18
4/21/15

TO: City of Shoreland
From: Kim Sanford (517) 351-5324

Re: Nancy & Michael Schvell
418 Baywood St.
LaPorte, IN 47571

To Whom It May Concern:

I would like to officially
request a copy of all reports (Police, etc.)
pertaining to the above referenced
names & address. I need this
info prior to April 30th @ 7pm.

Thanks
Kim Sanford

