

City of Shoreacres



MEETING MINUTES

The City Council of the City of Shoreacres, Texas, met in Regular Session on
Monday, January 13, 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

None

4.0 APPROVAL OF MINUTES

4.1 Regular Council Meeting December 9, 2013. Mike Wheeler moved to approve the December 9, 2013 Regular Council Meeting minutes; seconded by Rick Moses. Motion carried unanimously.

5.0 COUNCIL REPORTS & REQUESTS

5.1 Mayor Webber – Report on meetings attended.

There were no items to report.

6.0 PUBLIC HEARINGS & PUBLIC COMMENTS

6.1 Citizen's Comments:

Mr. Patrick Stanton – 128 Shadylawn: Mr. Stanton reminded Council of “Resolution 2012-94 Shoreacres Goals and Governance Plan” and suggested for Council to start the process of reviewing the City’s goals and objectives before the upcoming budget session. Mr. Stanton’s also has a few suggestions for Council and is happy to discuss in further detail.

Ms. Sara Andrews – 624 E. Forest: Ms. Andrews raised the possibility of a “conflict of interest” between the City Attorney – Dick Gregg and Mr. Stall, due to their extensive affiliation in city government.

Mr. Paul Croas – 111 E. Forest: Mr. Croas discussed the hiring procedure of a police officer. Spoke of various documents that he received from the City pursuant to his request via the Public Information Act. Mr. Croas also filed a grievance against Mr. Stall with Councilwoman Schnell.

Ms. Darlene Bays – 616 Baywood: Ms. Bays applauds Mayor Webber for undertaking the process of reviewing the current year budget; in addition, she would like clarification on the Public Works vehicle incident that resulted in gunshot damage on the door. Lastly, Ms. Bays would like to recommend Troy Harrison for the Police Chief position.

7.0 ADMINISTRATIVE REPORTS

7.1 City Administrator Report: Mr. Stall reported a smooth transition to the La Porte Dispatch. Transition to the City of Houston radio system is ongoing; the old radios will be utilized by our public works department. The Byway waterline project is complete with new hydrants installed; as a result, residents will see an increase water pressure. Water plant #1 is now functional but will be offline until the installation of the valve control. Workman's comp audit is complete and resulted in a decrease in cost for the City. The citizens meet and greet with police chief applicants was a success. The congressional effort to delay the impact of the Biggert Water Act is ongoing.

7.2.1 Monthly Police Department report.

Interim Chief Harrison reported that for the month of December there were no theft or burglary incidents. He is also in agreement with Mr. Stall, that the transition to La Porte Dispatch went extremely well; in addition, our officers were given the opportunity to meet face to face with La Porte dispatchers.

7.3 Monthly Public Works Department report.

Mr. Sutton's reported that water purchase increased this month to 6.2 million gallons compared to November purchase of 5.6 million gallons, due to a couple of major water leaks. Public works employees attended Trenching & Confined Space safety classes at no cost to the City. Additionally, Mr. Sutton's performed pressure tests on various hydrants and the results are as follow:

<u>Hydrant location</u>	<u>Previous Flow</u>	<u>New Flow</u>	<u>Increase</u>
Fairfield at Byway	482 GPM	920 GPM	438 GPM
Meadowlawn at Byway	595 GPM	960 GPM	365 GPM
Seagrove at Byway	598 GPM	970 GPM	372 GPM
Forest at Miramar	509 GPM	730 GPM	221 GPM

8.0 BUSINESS

8.1 Consideration and approval of invoices

Rick Moses moved to pay our bills. Seconded by Bo Bunker. Motion carried unanimously.

- 8.2 Presentation and discussion of the City Attorney's finding in regard to legal issues, if any, related to the city's employment of Michael Massey as a temporary acting Chief of Police.

City Attorney Dick Gregg clarified Ms. Andrews' previous statement saying he has been in the area since 1965. He incorporated the City of Nassau Bay in 1970 and has been their city attorney ever since. He has been City Attorney for various surrounding cities; he also represented the City of La Porte on some special cases, but has never represented the City of El Lago. Furthermore, Mr. Gregg does have a long standing business association with Mr. Stall, due to their work affiliation in city government; but he has never represented Mr. Stall in any legal matters, in any jurisdiction.

As to the item on the agenda, I don't think there are any real legal issues. Chief Massey was a short term, interim employee. TCOLE has an administrative rule that requires the filing of a form called L1. There was no L1 filled for Mr. Massey. There is an exception to the L1 requirement if the appointment is temporary and interim. No L1 is needed but there should be a letter from the city appointing him to interim status. That letter was not sent. Such filings are typically within 30 days. But it invalidates nothing. The L1 or such a letter is not a legal precondition to taking action as a Chief of Police. Whenever a new person begins duty documentation by L1 or letter is expected in a reasonable time, usually 30 days. Neither occurred. That is an alleged failure to comply with an administrative rule but is nothing more. Mr. Massey is no longer an employee and there is nothing more to do.

- 8.3 Consideration and action to adopt Resolution No. 2014-124 selecting an engineering firm to perform engineering and environmental services for the Coastal Impact Assistance Program erosion control project along Miramar Park's Galveston Bay waterfront; authorizing the city administrator to negotiate compensation terms with the preferred engineering firm to ensure services performed will be accomplished within the limits of available grant funding; and authorizing the mayor to execute an agreement with the selected firm to perform the required services.

Nancy Schnell moved to adopt Resolution No. 2014-124 and select Arup Texas, Inc. for the CIAP project and that Moffatt & Nichol be the alternative selection. Seconded by Bo Bunker. Motion carried unanimously.

- 8.4 Consideration and action to adopt Ordinance No. 2014-153 awarding a contract for the construction of an 8-inch water line and associated valves and fire hydrants.

Rick Moses moved to adopt Ordinance No. 2014-153 awarding a contract for the construction of an 8-inch water line and associated valves and fire hydrants to AR Turnkey Construction with the city using budgeted water distribution system improvement funds to supplement grants funds as required to complete the project. Seconded by Mike Wheeler. Motion carried unanimously.

- 8.7 Consideration and approval of Ordinance No. 2014-154 designating the official City newspaper.

Mike Wheeler moved to adopt Ordinance No. 2014-154 designating the Houston Chronicle the official City newspaper; seconded by Bo Bunker. Motion carried unanimously.

9.0 ADJOURNMENT.

The meeting was adjourned at 9:06 p.m.


PASSED AND APPROVED ON THIS 27TH DAY OF JANUARY, 2014.



ATTEST:



Matt Webber, Mayor



David K. Stall, CFM
City Administrator / City Secretary