

MINUTES OF REGULAR MEETING

June 14, 2017

SHENANDOAH CITY COUNCIL

1. CALL TO ORDER (0:06)

Mayor Wheeler: All right. Well, good evening everybody. We will call to order the June 14th regular workshop meeting, for the City Council, for the City of Shenandoah.

2. CALL OF ROLL (0:18)

Mayor Wheeler: Called the roll, looks like everybody's here.

3. PLEDGE OF ALLEGIANCE (0:22)

Mayor Wheeler: If you would please stand with me and we will say the Pledge of Allegiance.

Council Members: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

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

4. INVOCATION (0:53)

Mayor Wheeler: If you'd like to remain standing with me, I'm going to say a quick invocation for us.

Dear Lord, we just want to start off by saying thank you. Thank you for all your many graces and mercy. Thank you for being there for us when we call upon you. A night like tonight, when we ask for your guidance, your wisdom. When we seek to look for the right way to do things and we know that the only way to do that, is when we look through you. Tonight as we go through this meeting, we're going to ask that you place your hand upon us and help us make the best decisions, what's best for the City of Shenandoah, what's best for the residents, what's best for all of us. We pray these things in your name. Amen.

Council: Amen.

5. CITIZENS FORUM (1:56)

Mayor Wheeler: Alright. We'll start off with the agenda item number five, which is citizen foreman. Thankfully, we have a bunch of residents who showed up tonight, which we love. We got some residents that would like to speak. Citizens are invited to speak for three minutes, on matters relating to the City government that are related to agenda or non-agenda items. Just keep in mind that we can't deliberate. While you're up there, you're in your three minutes but we are listening and we do appreciate your comments, and we will follow up on them. First on the list is Ms. Nancy Smith.

Nancy Smith: Good evening. Thank you for this opportunity. I'd like to comment briefly on the decision before the council on the method of financing the water plant. The three new members of City Council ran on a platform of no debt for the City. Well, that was a helpful campaign device. It's almost never advisable to adhere rigidly to one answer for all questions. In this case, to say that debt is never good, is to ignore the full range of tools available to address our needs.

There are many considerations that go into a sound decision, that go well beyond a simple campaign slogan. Such as, our bond rating, the ability to pay for an asset over the period it is used, and the fact that residents who used the asset, pay for it, rather than having past residents do so. Perhaps the most important factor is to avoid depleting our cash reserves. Our year to date, sales tax revenue is behind last year at this time by 13.4%. If the same running rate holds up for the remainder of the fiscal year, we will be down by over \$800,000.

I want to repeat that number. We are headed for an \$800,000 tax revenue deficit. If we use our cash reserves to pay for this project, the City will be significantly exposed, if any additional adverse conditions materialize.

Shenandoah has been run in a fiscally responsible manner in the past, including financial transparency, taking the time to give proper consideration to large decisions and using the expertise of staff and consultants to assure that all variables are taken into consideration.

I hope and expect that this approach will be continued and I look forward to hearing counsel engage in an analysis of all the issues, with respect to financing the water plant before voting. Thank you for your time, as you consider our water plant and making decisions that will benefit our entire City.

Mayor Wheeler: Thank you, Ms. Smith. Ms. Houston?

Janeu Houston: Good evening. My name is Janeu Houston and for the past 22 years, I have gratefully lived at 502 Hickory Ridge. In the council meeting dated 24 May 2017, Councilman Bevers presented a proposed change to the employee policy manual. After the agenda for this meeting was posted, a group of concerned residents requested to meet with Councilman Bevers before tonight's meeting.

However, due to his work schedule and conflicts arising from a short time frame between the agenda posting and the council meeting, it is understandable that Councilman Bevers wasn't able to meet with our group.

He did, however, offer to meet with us next week or schedule a phone call. Since it's the intention of the residents to proactively engage in the city's representative government, we opted to meet with another council representative, Councilman McLeod. Thank you.

We did request a standing meeting, the time before each council meeting with Councilman Bevers, and we are sure the details will be sorted quickly. Our group has presented concerns, ideas, and suggestions, on five items in our meeting last night. The LANDology lease and conflicts of City interest, Charter Committee composition: past successes and future progress, water plant number four, City Administrator's goals, and employee policy manual proposed revisions. Concerning that, I wish to speak on just one aspect discussed last evening. To paraphrase, the proposed policy states that, "The City shall provide an anonymous form of communication that will be distributed to City Council and the Mayor." Therefore, we request clarification regarding this proposal, including but not limited to, the Open Records Act.

To further clarify, in the 2016 Public Information Handbook, published by the Office of the Texas Attorney General, Ken Paxton, Section 552.101 confidential information, provides clarification and case law to clarify exemptions and confidential information. While time limits the entire reading, excerpts indicate that quote, "Unless the governmental body is explicitly authorized to make an enforceable promise to keep information confidential, it may not make such a promise in a confidentiality agreement, such as a contract or a settlement agreement. It goes on to say, that

governmental body may not pass an ordinance or rule purporting to make certain information confidential unless a governmental body is statutorily authorized to do so." End quote on the loose part.

Let's assume that this governmental body, believes it has the authority to statutorily promise the maintenance of confidential information, in the case of an anonymous complaint. Perhaps an example provided by the AG would warrant further investigation. In *ABBOTT v. DALLAS AREA RAPID TRANSIT*, the Court of Appeals ruled, that a claim of racial discrimination, is in no way, intimate or embarrassing. Therefore, the report was not protected by common law privacy and had to be released without redaction.

In another case, *Star-Telegram, INC. v. DOE*, a rape victim sued a newspaper, which has published articles disclosing information that made the victim identifiable by her acquaintances. However, the court ruled that the paper was not liable because it could not be said that the articles did not disclose facts that were not legitimate public concerns. In conclusion, while most of us in City Council Chambers this evening, understand that these examples are probably outliers. With regard to our beloved City, they are published by the AG to demonstrate an important point. If these issues, these weighty issues, were not protected from public disclosure, then lesser issues could not be guaranteed to be kept confidential.

Lastly, as some members are new to the council, they may be unaware that any action taken in Executive Council-- Executive session-- Excuse me-- Is then made available to the public by the open records act unless a contravening statute applies. Since the entire council must meet according to the open meetings act to consider these complaints, Executive Session would possibly relegate almost all of their actions, in these matters, as accessible to the public. Thank you.

Mayor Wheeler: Thank you, Ms. Houston. Ms. Munn. Am I pronouncing that correctly?

Lauren Munn: Yes.

Mayor Wheeler: Okay.

Lauren Munn: Thank you for your time. I just want to commend the City of Shenandoah on the water department. Yesterday I thought I had a leak and I emailed, filled out the form, I heard somebody knocking on my door in the afternoon, it was amazing. I just want to thank you because it was great. I've never seen service like that.

My second thing was, this morning I was going to Houston Methodist Hospital and I was on Shenandoah at eight o'clock near Valero and Texaco. This car sped through Savannah and I saw it coming, and it was coming so fast that I knew that it's going to run the stop sign and it did. Ran the stop sign, he got in front of a Mercedes. It was amazing. It sped up and forced itself into the line of cars. The Mercedes almost hit it. She must have beeped at this driver, the driver jumped out of her car and started yelling at-- I'm dialing 911 and I get 911 dispatch, Montgomery county sheriffs, and I'm telling them, "I need Shenandoah police", "I need Shenandoah police." He goes, "Where are you?" and I told him where I was but he was Montgomery County dispatch, he didn't know where I was.

I want to know how to get hold of Shenandoah police. That was scary. Then she saw me dialing 911, they all dispersed because he's on the phone so long with me. They leave and she goes around to Texaco and she sees me hanging up and she comes behind me and I lost her on the frontage road. How do we get hold of the police? That's my only question, thank you.

Mayor Wheeler: Thank you, Miss Munn. Someone will follow up with you on that.

Lauren Munn: Thank you.

Mayor Wheeler: Is Alex Warmath here? Oh, there you are, hiding behind Steffani or Steffani's hair. I like the hair.

Alex Warmath: Thank you, Mr. Mayor for lending me the opportunity and the councilmen, to speak to you briefly today. I am following up on almost parallel to the comment made by Ms. Houston earlier, and this regards Mr. Bever's proposal about the chain of command and the way to have employees report issues directly to you as councilmen. I'm pretty concerned about that because my concern is really specifically for the employees of the City. In my understanding of the reporting requirements of the Council and state ordinances means, that almost any of those would have to be reported publicly.

I'm going to put a proposal that will solve the solution, based on my experience of handling the same matters, almost identically. I want to be sure to keep our councilmen off the hot seats, we get enough of those anyhow. I want to sure we're protecting our City employees to the greatest degree possible. The whole issue about taking the chain of command down and doing different things, I appreciate your comment Mr. Mayor, last meeting about the importance of chain of command. The best illustration for that is our own federal government.

One entity of the federal government works extremely well. That's it, arms services. They have the strongest and best chain of command anywhere. The rest of the government, we can all debate how effectively they work or don't work but their chain of command is like a sieve. When we start down a slippery slope there's some point where you have to stop going down that slope. In the line of that, we do as a City, all of us want to be sure that our employees have a great opportunity to come forward, and report things of really serious issues, and be dealt with in a serious fashion.

Things such as sexual harassment, employment discrimination, theft, misuse and appropriation of the City's funds and assets, inappropriate use of City assets, gross negligence, fraud, failure to follow the City ordinances with regards to employee manuals and how to perform and do your job, inside the City instructions, issued by you guys as councilmen. Those are all critical issues but we need to be sure we have a forum in which the employees feel extremely comfortable to come forward, in that environment. I serve as a director, have in the past and currently do in several small companies, both public and private and they all have the same issues as the City Council here has. These small companies face the same challenges you do.

They don't have a big HR department to handle a lot of this stuff. The way in most of our cases, do those small public and private companies handle this is, they are set up a single point of contact. It is the recipient of any of those type complaints considered critical to the well-being of the workforce. I've got one minute, I'll make it. That will look like this-- In the private domain it works like this; in most cases, the general counsel of the company is appointed to that position. That general council, reports to no one except for the chairman of the board and the general council keeps everything in absolute confidence.

The employees come to the general counsel, make all those issues known to the general council, the general council's responsibility is to investigate, determine the merits, those lack of merits, that keeps the embarrassment down between the employees, it's absolute in strict confidence and then, and only then, if there's a problem found, they have merit that needs attention, and this are serious issues. The list of things I read is very serious. Then the most important thing is, the general

counsel's obligation is to go to the chairman of the board, in this case, is probably Mr. Mayor or one of the councilmen who are appointed to take that role, and then deal with that. In that situation, everything is done in confidence and only the general council and whoever is the appointed party is, deal with that issue. The whole issue is to put an environment that our employees can come to the right authorities, take action and do the right things.

These are hard situations. We want to encourage people to come forward but we've got to put a vehicle that's very clear, that it's in confidence, and they don't get a chance to have blowback, loss of jobs, loss of face, public disclosure, which is a serious concern. I appreciate you hearing me out on that. I hope you can consider the opportunity to figure out the solution like that because this is all about our workforce and we want them to be in the most comfortable position possible, do a great job for us. We know that they do great work but there are the times, and some of these tough issues come up and there needs to be a clear path to do that now. Unfortunately, councilmen, I don't quite think we've thought through this enough and we all understand we're moving fast up. We appreciate your considerations.

Mayor Wheeler: Thank you, Mr. Warmath. Well, if you didn't get a chance to speak-- No actually we do have-- Is Tony going to speak during this item?

Mr. Smith: Yes.

Mayor Wheeler: Okay, if you didn't get a chance to speak in this particular citizen's forum, there is another one at the back half of the meeting, just fill out a form, if you would like to be able to get up and speak, and give that to Cathy, and we'll see you at the end of the meeting. Mike asked Mr. Gristy to get up since he put it out as, "if needed." He might have to come speak. Dean Gristy is the president of our planning and zoning board, by the way, we appreciate him being here tonight.

6. Consideration and possible action to grant Entergy an easement along David Memorial Drive for a new distribution line (redundant circuit). (17:23)

Mayor Wheeler: Okay, we are moving to item six, which is consideration of possible action to grant Entergy and easement along David Memorial Drive, for a new distribution line.

Mr. Smith: Yes, council. I will go and start this and I will call on Entergy to go ahead and come up. I will just give you a little bit of background. As council remembers, we had a lot of issues with electrical in the last 12-14 months. As part of the concerns, we talked about redundant circuits. Entergy approached me probably 60 days ago with what is being passed out and this is an opportunity to get an additional redundant circuit from the new substation, that's going to be on 242. Located it, it will come down the new David Memorial Drive, it will stay within the right of way, inside the City limits, that is our responsibility, that we can grant the easement on.

I'm bringing this to you for an easement, also to discuss, we will most likely have to do something else with the IDC. Bill has not had a chance yet to determine what it is, whether it will be an exception, a variance, or a hardship request. Those are the three that we are looking through but did want to go ahead and get this in front of City Council. In the map, you see the proposed location, going down David Memorial Drive from the north, coming in, connecting all the way down to Shenandoah Park Drive, and then coming down to Ed English as well. With that, next background will call on Tony to help explain this from an Entergy standpoint.

Tony Reed: Yes. Looking at the print that you have been handed in the display here, the red line represents the new circuit that would come from the substation. The substation is located-- As Greg

said, near 242, where Troy is pointing to now. That circuit represents the capacity to serve the new and existing load in the Shenandoah area and it provides Entergy with switching flexibility, which enables us to move power around in an event of an outage to restore power quickly. The one thing we had talked about, is going to be on the east side of David Memorial, paralleling David Memorial and this would more than adequately provide the backup you need here in Shenandoah.

Mr. Smith: One additional thing that I have talked to Entergy about, is if they do put it over in and the council does agree to an overhead line, that all those poles would be a metal of nature and not those standard wooden poles. Entergy has agreed to that request if we do grant this.

Tony Reed: Right, and I'll add to that quickly. The overhead pole line is in Shenandoah's best interest. Conroe has implemented an ordinance along as in 30-83, for all underground. That has greatly inhibited their ability to develop that area. The underground components required for a complete underground system switchgear and other components are very, very expensive. The development has pretty much shut down, in that piece of the corridor.

As Greg just stated, you could go with an overhead steel pole line. Aesthetically, it looks nice and then all the components coming off of that line would be underground. All you would see is a conduit up a pole or something like that. None of the big wires crossing the road or services into individual businesses, which for most, is aesthetically detracting.

Mayor Wheeler: Ready for questions?

Tony Reed: Yes. Absolutely.

Mayor Wheeler: How big of an easement are we talking about here?

Tony Reed: Greg, we had discussed 16, or was it-

Mr. Smith: It was less than that. It was 12 foot aerial. I may be wrong on the exact...

Tony Reed: My engineer was working on it. It was roughly say, 12-13 feet, something like that. I can pull the numbers but minimal by Entergy standards. Normally, we would ask for 18 foot. Greg had talked to us about it and we were willing to make a concession-- Both concessions, one being the easement width, the other being, the steel pole line.

Mr. Smith: The easement issue, from the City's standpoint, is more going along the existing David Memorial. We're in between the football stadium, going north, where we have some amenities being discussed. That's why we asked for the reduced easement because we would not be able to have the tree plantings that we wanted and create the nature environment that we had. That's why we asked for the reduced easement on that section, as well going up to David Memorial. As Tony said, this will only be in line, there will be no transformers on any of the poles. They have agreed that any other equipment will be ground-mounted, not up in the air.

Tony Reed: Or a conduit coming down the pole, not a transformer bank or service wires. Those are the major components that, again, are most aesthetically detracting.

Mayor Wheeler: I can't tell because the Shenandoah Park Drive box is over the top of it. Does that line, running up and down Ed English, not connect to the same line that is running along the I-45 feeder road?

Tony Reed: Yes, It provides redundant capacity for the area but there are switches in between those circuits so that we can reconfigure, reroute power, that sort of thing. It's a much more robust system than what's currently in place by adding the circuit.

Mayor Wheeler: I'm just curious. If we didn't go all the way to the roundabout and we took off that southern part of the line, we ran it south until we made that first turn west, and then ran west to I-45 access road, would we be losing too much?

Councilmember Bradt: We're past the runabout.

Mayor Wheeler: That's what I'm saying. If we didn't go all the way to the roundabout-

Councilmember McLeod: Basically stop at the roundabout and went to the freeway from there...

Mayor Wheeler: Yes. In other words, not go all the way in front of the eastside-

Tony Reed: In this particular case, you would lose something because we have Oak Ridge substation located to the south and that particular route, is coming directly out of Oak Ridge sub. That's another circuit that we can tie to.

Mayor Wheeler: When we first talked about coming down the new extension of David Memorial, I didn't realize it was going to go in front of the eastside detention pond. I'm not fired up about that. There are some pros and cons there.

Mr. Smith: Yes, there is some pros and cons to that. Centro developer has actually asked, not formally yet because he's not at that point, to allow above ground line there because the added additional cost to the developer, for at least Centro, that would make his project completely prohibitive to have to go underground from either Shenandoah Park-- Actually, would be able to be serviced off of the Shenandoah Park, it would have to be serviced off of Ed English, if I remember what Rick said, from an engineering standpoint.

Tony Reed: Yes.

Mr. Smith: We have one develop-

Mayor Wheeler: The Centro?

Mr. Smith: Yes.

Mayor Wheeler: That doesn't make a lot of sense because Centro would be essentially butting up to this east-west line. It's right behind the apartment complex. It's just east of the apartment complex.

Mr. Smith: Yes, but from-

Mayor Wheeler: Basically, we would be butting up to this east-west line that's running-- That first east-west line-

Mr. Smith: You're correct, from the way the lines look but due to Entergy's loads, they were not able to service an entire under 100 home subdivision, off of-- What I think you're talking to, is the ML-555 line on the map, is that what you're talking about?

Tony Reed: The yellow-

Mr. Smith: That parallel line. Are you talking about-

Councilmember Bradt: He's talking about the red one that goes into-

Mayor Wheeler: I'm talking about the red.

Councilmember Bradt: That ties the existing-- Right above the Sam Moon.

Mayor Wheeler: The existing overhead, could we not tie into-- The line that says tied to existing overhead. That's going to be a new proposed overhead line?

Mr. Smith: Yes.

Tony Reed: Yes.

Mayor Wheeler: Why could Centro not tie into that?

Tony Reed: We could bring some service off of there but that's a little bit of a distance away.

Mayor Wheeler: No, that's actually running just over the northern quarter of Centro.

Mr. Smith: You also have a timing issue. This proposal could take up to three years to install because you have to also get all the right of way in the unincorporated area and they have to get the right of way from City of Conroe in Methodist. We are way ahead of the curve, on when this is getting installed and Centro is ready to go now.

Mayor Wheeler: Then where is Centro going to tie into-- Centro is not part of the equation, is what you're saying?

Mr. Smith: Centro is not part of this equation. Centro has approached the City, south where it says, the roundabout. Centro has asked for above-ground utility south of the roundabout, back to Ed English, and tying into the existing line, where it says, tied into existing overhead. That's where I believe Centro was going to tie in. They have talked to the City about allowing an above ground line there, just for their development. Is that making sense?

Mayor Wheeler: No. Am I the only one not understanding this? We're going from Ed English, all the way across Shenandoah Park, to where Centro would be, to tie into a line that we're saying is not going to be there for three years.

Tony Reed: They would tie in to about where Greg has the hand pointed. The line would start to the south along Ed English and we would extend up to that point as a phase 1, if you will. The remainder of the line, going north would come in a later date, as David Memorial progresses. Then, we end up eventually building towards the substation, over the next 2-3 years.

Mr. Smith: Centro-- I don't know if you can hear me. Centro's property is basically right here.

Mayor Wheeler: Right.

Councilmember Bradt: Correct.

Mr. Smith: Centro has approached the City about it and not made a formal request yet but it is talked in the City and Entergy is allowing it to connect into this existing-- Come down Ed English and

go north on David Memorial Drive, and then stop right there. He wants to go underground, underneath the new David Memorial. Now, that was Centro's discussion months before Entergy came up and asked about this plan. They are independent of each other, strictly, they're just in the immediate area. Did that help there?

Tony Reed: In the planning of the overall big picture, what Greg just described would be a phase 1. As I described earlier, Centro could be fed off of that line, with a conduit coming down one of the overhead poles, and that would be a much more affordable option. As opposed to, an entire underground system requiring pad-mounted switchgear and other components that are going to run it up into hundreds of thousands of dollars at, by comparison, more than the overhead option.

Councilmember Bradt: Is this easement totally within our right of way?

Mr. Smith: No, sir.

Councilmember Bradt: Or are we going to have conflicts with the U.P. Railroad going down the --

Mr. Smith: It will be in our City limits, it will be in the county jurisdiction and their right of way for the David Memorial extension that is in their jurisdiction, as well as the City of Conroe or Methodist in the portion of the roadway that's located in their jurisdiction. It will all be within the ride-away of all three jurisdictions, not in union specifics right away.

Councilmember Bradt: Is it Entergy's plan to secure all those easements now? Even though you're not marching up -

Tony Reed: Yes, we're already working towards that solution.

Councilmember Bradt: In other words, once you get out off of that with Conroe everything's all --

Terry Reed: No, we're confident that it's going to work out.

Councilmember McLeod: What does Planning & Zoning think about this?

Mr. Smith: Planning & Zoning has not heard or seen this because it has not been decided what the best legal method to deal with the IDC with Entergy.

Councilmember McLeod: Okay, it's the things I'd like to get them thinking about. Obviously, running down the road-rail tracks that's great. I don't have a problem with what starts existing. I'm a little concerned about overhead. We asked our developers to stay underground but this may be a nice compromise but I would like to see what the guys at Planning and Zoning have, what their thoughts are. That's my take.

Mr. Smith: We can certainly put it on the next P&Z meeting as an agenda and again, we're putting this way ahead of the curve -

Councilmember McLeod: Oh, I know and it's great-

Mr. Smith: -To get the feedback before a lot of time and effort goes into it because if the council does not like the idea, then there's no reason to pursue it.

Councilmember Raymaker: Can you elaborate a little bit the difficulties of developing around the underground utility then?

Tony Reed: Developing around a completely underground system? There are components or pad-mounted switchgear that is required in order to interconnect to the main trunk line. That pad-mounted switchgear is the most costly component if you will, of an entire underground system, to the tune of 80- \$100 000, per location. Every time you tap off of the main trunk-line, you're typically going to require one to two of those switchgear, and that's the main driver that's going to cost the developer. I'm assuming that the City's not going to want to absorb that cost. Entergy is not required to absorb that cost.

That's the exact scenario we're in with the City of Conroe, off of the 30/83 corridor, where it is pretty much slowed down to a standstill, in that particular area. The cost is prohibited to the would-be developers. If you compare that to other areas, say like a Kingwood in Centerpoint's area, it's a pretty much predominantly overhead trunk-line, everything coming off of that overhead trunk-line, goes underground. You have the main circuit overhead, the underground makes it aesthetically pleasing to serve the customers, the cost of coming off of the overhead system is a 10th of what it is the underground switchgear that I described. Therefore, you don't inhibit your development and if you build it with a steel pole-line like Greg discussed it's going to be aesthetically pleasing. I don't think it will slow your development at all.

Mayor Wheeler: The only last thing I have on this is-- I'm sure it's already been done but I just need to ask, we're talking about an easement, we figured in what we're going to later be asking the City of Conroe when it comes to a David Memorial extension, we're not cutting our nose to spite our face, giving Entergy an easement that would then block the City of Conroe from being able to put in their part of the extensions and/or the hospital. Right? We've actually looked at that plate and made sure they're going for both?

Mr. Smith: Yes, the right of way that will be given by Methodist to Conroe for theirs, will be wide enough to handle this line as well of, any of the easements because none of the rides away has been acquired yet, inside the unincorporated, by the counting. The answer to your question is-

Mayor Wheeler: This line plus the road is where?

Mr. Smith: Yes.

Mayor Wheeler: Okay.

Mr. Smith: We will make sure that fits in our jurisdiction, Entergy will make sure with us, that we work with Conroe and the unincorporated portion of the area that is not in either Conroe or Shenandoah.

Mayor Wheeler: Yes, because it gets pretty tight, the closer you get to 242.

Tony Reed: Right, but again, that's the purpose of starting the process solely on-- That we account for all those needs for the ride away width, as well as, Entergy's easement. So that we can accommodate all the infrastructure that needs to be there.

Mr. Smith: There's actually one interesting thing that I have found out in this process, whoever builds the road is going to have to get right of way from Entergy because they actually own the property, or we need to put part of the road.

Councilmember Bradt: Were there substations?

Tony Reed: It was a proposed substation site. We have since decided to build the substation on a larger track of land, we're going to work towards that solution. That David Memorial extension is mutually beneficial to everyone.

Councilmember Bradt: The wild card in this, is the unincorporated county area -

Mr. Smith: It's not really the wild card, they will be able to get the ride away. It's just, how do they obtain the ride away to do this?

Councilmember Bradt: Either by eminent domain or whatever.

Tony Reed: That's a worst case scenario.

Councilmember Bradt: I understand.

Mr. Smith: If you go back, the most recent take an example, is along Rayford Road. I believe they only had two land owners, they were not able to get resolution with. This roadway will help, in my opinion, the unincorporated property owners, giving them a second North-South access road to their property. It will be very beneficial to everybody in between the Methodist, Conroe City limits and Shenandoah City limits, to allow this roadway to go in. That would give them a second entrance, which actually, could allow them to subdivide their property and have thoroughfare frontage on both pieces of property, instead of just the I-45 side.

Councilmember Bradt: What's Entergy's timeline, again? To actually start working on -

Tony Reed: Two to three years for the total project but for Centro, it's as soon as we can get the easement, and get a go-ahead to build what they need to serve their development.

Mr. Smith: I want to make something perfectly clear to the council. This is not in any way, shape, or form, related to Centro.

Tony Reed: That's right.

Mr. Smith: This is a separate request that Entergy came to the City with, on this. The Centro issue is something that we are working with the developer with but they are two independent projects that just happen to be connected indirectly and directly.

Tony Reed: Entergy is looking out for the future, not just for Centro but for any other would-be developer that's going to be fronting on future David Memorial.

Councilmember Bradt: Oh, absolutely.

Tony Reed: Yes, again, mutually beneficial and we want to get it right on the front end, so that we come off with underground facilities off this major trunk line, and have all the redundant capacity for the area. Everything is a win-win.

Mayor Wheeler: All of us are okay with running down the railroad tracks. When it starts to get sticky, is when you peel off the railroad tracks and you're not running down in front of what could possibly end up being an amenity, possibly end up being residential. It can be looked at, maybe come back to council and bring some other possible solutions to that particular portion of the line. These are maybe two or three other possibilities that we could look at for that. Again, just that one small particular section.

Tony Reed: If you're suggesting we go with an underground solution or?

Mayor Wheeler: I'm not necessarily saying that-

Councilmember McLeod: An alternate round for the overhead-

Mayor Wheeler: In that particular section?

Councilmember McLeod: South of the roundabout is what you're talking about. That's what we're looking at. That's-

Tony Reed: Yes. We've looked at it, I don't know that there's another feasible route, that's going to be truck-accessible. For that particular piece, you're looking at two to three poles I'm thinking. The pole spans are roughly 250 feet apart. It's a steel pole on top of that, ecstatically, I don't think it's nearly as displeasing as you might envision. I don't think it would impede the developer or hurt their business-

Councilmember Bradt: How high are the lines going to be?

Tony Reed: Sorry?

Councilmember Bradt: How high are the lines going to be?

Tony Reed: 50 foot is the normal pole height, for that type of circuit. The lowest facility on the pole is going to be in the 35-foot range. For the average driver going down the road, you're going to see a steel pole every 250 feet or so.

Councilmember Bevers: Will we end up with mushroom-looking trees like we have behind Home Depot?

Tony Reed: You can't have a tree obviously growing up into the power line, our goal is to keep it profiled and cleared away but what you choose to do with the landscaping is up to the City or the property owner.

Councilmember Bevers: I believe between Ed English and Shenandoah Park Drive, the City has a drainage easement that connects north and south. Could we go to the Shenandoah Park Drive, head west and then cut south, to connect to Ed English, so we're not right in front of the potential future park?

Tony Reed: We need truck access that's a critical component. I'm not familiar with the drainage easement, nor do I know if there would be truck access, for a large land truck.

Councilmember Bradt: Well, there's a potential Even hotel, right?

Tony Reed: I'm sorry?

Councilmember Bradt: In that property that Byron is talking about, there's a potential Even hotel.

Tony Reed: A hotel?

Councilmember Bradt: It could be west of the hotel where Byron was saying go across. That alleviates your concern there.

Tony Reed: It also represents a service point for the hotel. For the most of your hotels, they are used to a pole line being in front with an underground feed, coming into the hotel. I don't think it's going to negatively affect the developer's decision, as to whether or not they go there.

Mr. Smith: Council, if that's the biggest holdup let us work together because there is another possibility as part of that East side detention pond, or amenity pond or relief pond. We actually have discussed providing-- Reclaiming that TxDOT land. If we actually reclaim the TxDOT land and we own that land, we could certainly give Entergy a 25-foot easement, and not have as much property to sell, but give them an easement, or when we sell the property, require them to give Entergy that easement. Make that be part of concrete, to where their trucks do have access for that. If that's the only holdup, is that one section, we may be able to come up with some alternates to present to both Entergy and the City. If you're interested in looking at that.

Mayor Wheeler: Anybody else?

Councilmember Raymaker: I'm okay with it along the railroad tracks but I'm not certain that I want any of the overhead, any place else.

Mayor Wheeler: You liked most of it.

Councilmember Raymaker: Just the part along and the train track.

Mayor Wheeler: Thank you, Tony.

Tony Reed: You're welcome.

Mr. Smith: Sounds great. Thank you.

7. Consideration and possible action regarding the Lone Star Groundwater Conservation District proposed rate increase. (43:00)

Mayor Wheeler: Let's move into item seven, which is considered, possible action regarding the Lone Star Groundwater Conservation District, proposed rate increase.

Mr. Smith: Okay, Council, as you know, we sent you an email as well as, a press release, it's been in the newspaper, that Lone Star is proposing to go up on their fees, to 11 cents per thousand gallons pumped from the aquifer.

All the aquifers with the exception of the Catahoula, which they are leaving at six at this point in time. That would equate to a 46.7%, rate increase. That's in addition to the 25% rate increase, they gave us last year. Within the last 12, 14 months, they've had a rate increase of 83%. In my opinion, they are playing on the public perception of the Conroe lawsuit against Lone Star. That is the primary reason that they are saying, for this rate increase. They may need a small rate increase because the pump is going down because of the 30% reduction. I certainly do not see in any way, shape, or form, an 83% increase.

Our representative, Scott Weisinger, I had a probably about a 45-minute phone conversation with him today. Scott and the representative for the City of Conroe, John Bleyl, are drafting a potential different budget and a different schedule that would allow no rate increase to any of the users. Again, we are ahead of the curve on this one. I believe they have a meeting scheduled next week. On the 23rd. It's-

Councilmember McLeod: 13th, is that what the-- Scott Weisinger's letter said the 13th.

Councilmember Bevers: They had a meeting yesterday, I don't know what was on the agenda.

Mayor Wheeler: Well, June 13th at 10 am is what the-- There was a board meeting.

Councilmember Fletcher: You know what the potential action was on that?

Mr. Smith: I don't think they took any action. Scott told me they did not take any action. From our standpoint, we have looked at the legal aspect both with our in-house Council, as well as, I've consulted with McGinnis Lockridge, to see if there's anything the City can do. Legally, they have the legal right to do this rate increase. We have no legal remedy to prevent the rate increase.

Now, that's just from a legal aspect. I can tell you that I've also talked Vicky Rudy. Oakridge is going to protest this rate increase, as probably all other users will. We can certainly do a resolution of opposition. I would recommend each one of our Council members if they are able to attend the next meeting and speak out on behalf of opposition for this, and I actually think it may be a good idea to contact her County Commissioners. This is a county wide issue. That type of rate increase and using the Conroe lawsuit is a little bit-- It's concerning to me without a doubt. There's a way, if they have to have more money to defend the lawsuit, then you could potentially set up a fee or something, dealing just with raising enough revenue. They estimated it at \$500,000. If I remember what the newspaper article said, to raise that much revenue but it goes away, as soon as that lawsuit is settled.

I don't want to get into the merits of the lawsuit because we are not involved in that lawsuit. I'd wanted to bring this to you, to get Council's opinion on how far we want to fight and do this. I believe it is estimated, the total financial impact for the City, is about \$50,000 a year for this rate increase.

Councilmember Fletcher: Bottom line, how does that affect our residents' rate increase overall? How would that be passed through?

Mr. Smith: That would be a decision of this Council. The original six-cent rate was a pass through to the residents. As you recall the previous Council did not pass that from six to .75 to the residence yet. They agreed to pay for it, up until we looked at our new rate structure, which was originally proposed to go in on October the 1st.

There's not been a rate increase for any of the Lone Star fees, from when the point six was taken. That would be a Council decision on how you do it. If you do the math, a water bill per thousand gallons would go up from six cents to 11 cents. Five cents, a thousand gallons, if Council passes this through to the residents.

Councilmember Bradt: It's substantial when you're--

Mr. Smith: Yes, Sir.

Councilmember Bradt: I'd like to make a motion that we adopt a resolution or have Jason or Bill draft a resolution of opposition and forward it to Lone Star. Then, let them note that we oppose it and give us more time to consider this.

Mr. Smith: Okay.

Councilmember Raymaker: I second that.

Mayor Wheeler: Any discussion?

Councilmember Bevers: When is the next meeting? Do we know when the next meeting is going to be on?

Mr. Smith: They have had a couple of different discussions. There were some indications from Scott, that he felt the board was going to push this quickly through but there is split vote. According to Scott, there is a split vote on this issue. I believe they have nine board members. It's five-four. You literally have one vote change. That rate increase may not go in.

Mayor Wheeler: Are their meetings scheduled for the second Tuesday of every month or something?

Mr. Smith: Yes.

Mr. Eickelberg: Do I go up there or just yell?

Mayor Wheeler: You can just yell.

Mr. Eickelberg: They schedule only there once a month, regular meetings. Anything else, they usually give you about four, five days' notice. I just checked their web page and their next workshop is not scheduled or posted on their web page.

Mr. Smith: The next scheduled meeting is July 12th. Jason just pulled it up.

Mr. Frazer: July 11.

Mr. Smith: July 11th, sorry.

Mayor Wheeler: July 11th, which is the second Tuesday.

Mr. Eickelberg: They were proposing to do a workshop hearing. That one they have not posted yet to talk about the budget, and the rates, and stuff.

Mr. Eickelberg: What time is it? Ten o'clock? 10:00 AM?

Mr. Smith: That's typically right. 10:00 AM.

Mr. Frazer: That's what the other ones were on the calendar, but there's nothing on this notice that I found for the July 11th for time.

Councilmember McLeod: So, we've got time to put together a resolution and pass it at the next meeting?

Councilmember Bevers: Yes. I would prefer seeing the resolution.

Councilmember McLeod: Yes, I agree.

Councilmember Bevers: But if a meeting is posted at Lone Star for action to adopt this, I would say go ahead and send it. But short of that, we have time to get like the fourth Wednesday.

Mr. Smith: If I understand what you're saying, the council approves the resolution posing it with the understanding that that resolution-

Mayor Wheeler: We got a motion and second on the floor right now so what our motion was to draft-

Councilmember McLeod: To draft the resolution.

Mayor Wheeler: So we only need to vote on whether or not were-

Mr. Smith: What I'm trying to do is maybe give some clarification. Staff will not send the resolution of opposition unless it is needed to be sent without the resolution being brought back to the City Council and ratified or modified at our second meeting in June.

Councilmember Bradt: Is that giving us enough time?

Mr. Smith: I would say yes because the meeting is on the 28th. They don't schedule any meetings between now and July the 11th. We have plenty of time. I would actually suggest the council consider sending that resolution with the letter of opposition to the Commissioner's Court as well so the Commissioner's Court understands how we feel.

Councilman Bradt: I'll amend by a motion to include the discussion.

Mayor Wheeler: How does our acting city attorney get all that?

Mr. Frazer: I think our city secretary has got that covered, right?

Ms. Reyer: Yes, I think so.

Mr. Frazer: Okay, good.

Councilmember Bevers: On our discussion, I haven't analyzed our budget so I don't know to what extent they need this additional revenue. They've regulated away 30, it's probably more like 40% of their revenue by their own regulations. If they need this money, it was something that could have easily been foreseen and we should have been stepping up this increase as overtime so that a big increase to those of us who are fortunate enough to stay on groundwater.

Mr. Smith: Byron to your point, the first time that 30% reduction went in, the board of directors opted not to initiate that immediately. They delayed it and used some reserved funds to delay that rate increase which could now have exacerbated the amount of the increase.

Councilmember Bevers: What is that I particularly don't like is the people that convert it to service water aren't paying this fee even though they are regulated by Lone Star so we get to bear more burden. I'm happy that we are on groundwater. We've got our water situation like this.

Mayor Wheeler: We have a motion and second, we had a discussion, do we need any more discussion?

Councilmember Raymaker: Just one last question. What's our draw on the various aquifers than the Gulf Coast versus Catahoula? What percentage is that?

Mr. Smith: We are 100% on Gulf Coast. It's all in the Jasper aquifer for our system. The city does operate in conjunction with Panorama Village - the Catahoula water well in Panorama that is not regulated by Lone Star at this time. There appears to be a strong push by some of the Lone Star board members to start regulating the Catahoula Aquifer as well.

Councilmember Bevers: Just for an update for our audience, Lone Star is changing to an elected board in I believe January 2019 instead of a nine member appointed board.

Mayor Wheeler: Okay, all in favor?

Members: Aye

Mayor Wheeler: Any opposed? Motion carries 5-0.

8. Consideration and possible action regarding meeting format and time of meetings. (54:20)

Mayor Wheeler: Okay, item eight, consideration and possible action regarding meeting format and time of meeting. I'm not sure whose this is though.

Councilmember McLeod: I want a 7:00 PM start consistently.

Councilmember Bevers: Agreed.

Councilmember Fletcher: I would second that.

Mayor Wheeler: Okay, is that a presentation or are we already in the voting?

Councilmember McLeod: I just want to get out there. Get out, fine.

Councilmember Raymaker: What did you say, Mike?

Mayor Wheeler: Hold on, hold on, hold on. Let's let the city administrator kick us off here.

Mr. Smith: This was requested by two council members. One of the requests was to discuss the start time which I think Mike's already just addressed. The second request came from Ron to discuss whether we want to use the format we're doing now or the format that we had previously used where we sit on a more as an informal setting, more as a workshop over there on same situation instead of using the dais. Those were the two items that I recall being brought up, but we can certainly discuss any aspect to the format or schedule of the city council meeting with the way the agenda item is ordered.

Mayor wWheeler: You have to help me out on this, the city attorney. Are we discussing prior to a motion?

Mr. Frazer: I would think you would get a motion before you would have a discussion. That would be the typical rules of Robert's order on how you proceed.

Councilmember McLeod: This is a discussion, right?

Mr. Frazer: Well, you need a motion so that you can discuss-

Mayor Wheeler: Consideration and possible action.

Councilmember McLeod: Okay, I'll make a motion that we change the start time consistently at 7:00 PM.

Councilmember Bevers: Second.

Mayor Wheeler: He's not finished yet.

Councilmember McLeod: And we consider changing the format of the meeting.

Mayor Wheeler: To?

Councilmember McLeod: I don't know.

Mayor Wheeler: To the questions.

Participant 4: Mr. Mayor, if you will, how about we take this in two pieces? Why don't we do the start time as a singular motion?

Mayor Wheeler: I like that.

Mr. Frazer: Councilman McLeod, would you please restate your motion?

Councilmember McLeod: Make a motion that we change the start time of our meetings and the dates the second of fourth, Wednesdays at 7:00 PM.

Councilmember Bevers: I think I already seconded that.

Mayor Wheeler: Any discussion?

Councilmember Raymaker: I like the six o'clock for the workshop meetings but if it accommodates you better, Mike, that's fine.

Councilmember Bevers: I like the consistency. I'm not particularly married to 7:00 PM but tied to consistency for residents to know what time the meetings start.

Councilmember Bradt: I have no concern either way.

Mayor Wheeler: I would agree with you on consistency and for that reason, I like that it starts at six o'clock on the workshop meeting and seven o'clock for the regular meeting. The reason being is because of the regular meeting if you remember, we have MDD at six o'clock.

What it lets the residents know is that at six o'clock, our meetings start for that night. The only thing I'm worried about is if we move to seven o'clock for the workshop meeting and then we get the residents in the habit of thinking, "Oh, it's Wednesday, seven o'clock meeting," Then they may very well miss the MDD meetings.

Councilmember McLeod: It's a concern. I know we've had people show up late. For the six o'clock meetings, they roll in seven and go, "Oh, y'all have been talking for an hour." I'm also concerned about residents who have, if you work downtown, you work at the Galleria, you work in the Med Center, any time to getting back here by six o'clock is, if you walk out the door at 5:00, getting back here at 6:00 is quite a stretch. I think seven o'clock allows residents to participate and keeping it

consistent, they know we're going to have meeting. If you want to participate in MDD meetings, those are going to be at-

Mayor Wheeler: Six o'clock.

Councilmember McLeod: Six o'clock on the 4th, Wednesday. I think that whatever meetings they are, they should be consistent. In my current position, the specific time six or seven doesn't particularly matter with my personal life. I like seven better because I think it allows more residents to participate. I do think we should pick one time and stick with it. If we do that unfortunately that means MDD is going to be even moved up an hour or moved to a different day.

Mayor Wheeler: I don't think we can move it up an hour. MDD is going to be at six o'clock regardless if you're saying both council meetings are at 7:00, then that's-

Councilmember McLeod: Then that's okay.

Mayor Wheeler: Then that just means that meetings for whatever you want to call them, whatever their title is, one starts at seven o'clock the first Tuesday-- The second Wednesday and then on the fourth Wednesday, they start at six.

Councilmember McLeod: Council meetings always start at seven when we can attend an MDD it's at six.

Councilmember Bradt: Well the MDD is on the last Tuesday, so we only got-- Were only talking about-

Mayor Wheeler: No, Wednesday. It's on the fourth. Yes. The second council meeting is prior to that.

Councilmember Bradt: We're just changing this meeting to the second meeting.

Councilmember McLeod: We'll just roll then, let's push the meeting back to seven.

Mayor Wheeler: Any more discussion? Ted, you got an opinion one or the other?

Councilmember Fletcher: Either I prefer seven, but-

Mayor Wheeler: Okay, so we have a motion by Councilman Bradt.

Councilmember Bradt: No.

Mayor Wheeler: I'm sorry. By Councilman McLeod.

This exactly why I did that because Kathie has already reminded me that I need to be restating that for the record. So, motion by Councilman McLeod to move both meetings to 7:00 PM out of consistency, Councilman Bevers seconded the motion, we've had a discussion. Unless we have anymore. All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Okay, motion carries 5-0 on part A.

Councilmember Bevers: I move that we make every meeting a regular meeting, and not have a workshop unless it's a specially-called workshop. Separate from my motion I would say that as a body, we can certainly table items that we need further deliberation on. But if there's an item that is ready to go, I think we should move on it and be done with it.

Councilmember Fletcher: I would second that.

Mayor Wheeler: Okay, so we have a motion by Councilman Bevers, we have a second by Councilman Fletcher. Any discussion?

Councilman Raymaker: Yes. For the lead time, what I liked about the workshop format that we had was that it gave residents a chance to respond to issues and we're moving so quickly where agenda items are getting put on a Friday and we're potentially voting for them in such a short period of time. It's also the reason why I want to have the agendas posted and ask an additional 10 days early is so that people have the time to digest, to research and get ready for these things. I don't want things to be, "Oh it's Friday night, here comes the agenda, and I only have that much time, but I still have family commitments to do for the weekend."

I really like the workshop format then we got to discuss things and not moving to immediate motions, for voting. If it's an emergency item, I'm okay with voting at an emergency item, like a clarifier. But other than that, I don't want to get into voting for things too quickly without being able to have the chance to talk with the constituents at all.

Councilmember McLeod: I tend to agree with Ron on that. I like to see things at least twice. I like to put things out there, talk about some staff, brings ideas, we all have ideas and then we all get to leave the meeting and go home. When we know we get a few weeks to digest, I can call Greg at Thursday morning, go ahead, and this other question, what about that? We're not feeling pushed or rushed and it also gives residents, as Ron points out, whether we change lead time or not, it still gives residents time to come back and comment on, "Hey we saw you, or we read the minutes or we looked at the agenda or watched the live Facebook feed, we got some questions for you".

It allows them some time to interact. Whether we do it in a less formal setting around the table, maybe it's better for us to be up here at the dais, or maybe even if we don't have the entire meeting called the workshop that we can just certainly agree that items are seen twice before they're voted on.

Maybe that's some sort of compromise between the two ideas, but yes I like the idea of the public being able to see our discussions, see our thoughts, feedback to us, maybe say something at the meeting before they vote, even publicly before we actually make a decision.

Councilmember Raymaker: Yes, and what I really liked about, I mean whether we sat in one spot or another it really doesn't make any difference. It's the discussion format that the workshop really was presenting. So pretty much everything was a discussion item, and the next meeting would be when we vote on it. I really like that because again, we have that opportunity to get dialogue out there and hear people's feedback, get prepared.

Mr. Smith: What we label the meeting is irrelevant, we can just call it a city council workshop. Specifically, if we want to do that to discuss item, it's a real simple change in the way that-- It's just the way it's posted, discussion, not discussion and possible action. That gets you the exact same situation that was just discussed between Mike and Ron. So it's an easy solution if we want to keep everything coming back to the council twice, whether we just call it a council meeting, regular

meeting workshop is really irrelevant. What's relevant is how the agenda items are posted, whether it says discussion and action, or just discussion.

Councilmember Bradt: From your perspective Greg, is there any hindrance to city business, having it the way those were done? Is anything waited another two weeks or have to wait another two weeks?

Mr. Smith: No, because the council has always said, and I believe one of the councilors member, I forget which one said if it's an emergency item then we've got to take action, we bring it to the first meeting and it's just listed as an action item. If there's something that came in that is time sensitive and I will give an example, the emergency repairs to-

Councilmember Bradt: The clarifier?

Mr. Smith: -anything like that that came unexpectedly that we didn't know, we put it on the agenda and it's just worded as and possible action. Staff has actually gotten very used to the discussion the first time, and action the second time, and I actually think it has been a very good process for the city to use because it is giving a lot more time, just like Ron was saying, to interact with the residents, but it has also giving staff more time to interact with the council to make sure we have everything the way council wants it before your voting on it.

Councilmember Bradt: Jason from a legal standpoint?

Mr. Frazer: Greg stated it right, I mean if you want to put it on in at this discussion, you put it on at this discussion if you want to be able to take action, the same possible action. That's the open meeting's requirement as far as listing it on in an agenda.

Councilmember Bradt: The motion on the floor is to change it that's the requirement.

Mr. Frazer: The motion on the floor, if I can paraphrase like Councilman Bevers said, is to have both meetings be council meetings in essence just full blown council meetings. Part of that as far as your agenda is concerned, you could have a discussion portion of your agenda followed by an action, a discussion and possible action portion of your agenda, you just segregate it out on your agendas, you would have in essence both parts in any given meeting.

Councilmember Bradt: So could Councilman Bevers clarify the motion to his though process?

Mr. Frazer: I think you could ask him to do that.

Mayor Wheeler: Well I guess I don't know that this requires a motion, I'm not sure if I need to vote on. I mean, it sounds like we're pretty much on the same page, we take care of business as quick as possible, we have the opportunity to have it come up twice, that's great, but if it's an emergency item, that's the way we've always acted anyway. I'm not sure this is something that we necessarily even need to vote on.

Mr. Smith: From a staff standpoint, I would like clarity on how we're doing it because what I don't want to get into a situation is, something come up, we consider the discussion item because staff doesn't feel it's an emergency and then I get two council members saying, "Hey, now let's go and act on this tonight" And then it causes a problem with the council at that meeting or potentially causes a problem at the meeting. I would like formal clarity on how we want to run the meetings so there is no misunderstanding.

Councilmember Bradt: Councilman Bevers, could you clarify your motion? And in other words Byron, did you say that you wanted to have the second meeting just an action meeting, and the first meeting and also an action meeting, and they're basically the same? Or keep the format, but be able to do action items in the first meeting?

Councilmember Bevers: I like the ability to address simple items the first time they're brought up, that way we can clear up the agenda. I'm okay with discussing everything twice. I think the biggest thing is making the formal meeting while we're here instead of in the conference setting. So I'll withdraw my motion, and someone else can-

Councilmember McLeod: I'm going to see if I can catch this so you want everything on the dais, and you want simple and or possibility for action for simply routine items.

Councilmember Bevers: That doesn't give Greg the clarity that he's looking for.

Councilmember McLeod: I know.

Councilmember Bevers: It certainly could be everything has possible action so-

Councilmember McLeod: It's a sort of what we did tonight, right?

Councilmember Bevers: - yes, exactly.

Councilmember Bradt: Well it's how the item is worded.

Councilmember Bevers: As a body, we would -

Mayor Wheeler: Which I got to tell you all, I hate that. But that's okay

Councilmember McLeod: I like things being very clearly. Discussion only versus-

Councilmember Bradt: Well that could still be in the meeting, that's how the item is worded.

Councilmember McLeod: I'll make a motion that all our meetings take place on the dais.

Councilmember Bevers: And no other change.

Councilmember McLeod: And no other change.

Mayor Wheeler: Do we have a second?

Councilmember Bradt: I'll second it.

Mayor Wheeler: All in favor.

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0. Noticed I just skipped the discussion with that one.

9. Consideration and possible action to adopt TML rerate exposure limits. (1:09:45)

Mayor Wheeler: Sorry Jason. Okay. We move on to item nine which is consideration and possible action to adopt TML re-rate exposure limits.

Mr. Smith: Council with what just occurred, I would now request this be a discussion item only, since it is a re-rate Jennifer are we under any time line to get this approved tonight?

Ms. Calvert: No.

Mr. Smith: Okay. So with what has occurred we'll make this as a discussion item. This is our rewrite for TML. This has been reviewed by the attorney. We went through this every year in about three years ago, I believe, we cut back a lot of our coverage and we have no issues since the time. Councilman?

Councilmember Bevers: Are there any changes from previous rewrite exposures?

Ms. Calvert: No.

Councilmember Bevers: It seems like one of those real simple items-

Mr. Smith: It's technically written as action so council has the ability to if you want to.

Councilmember Bevers: I move to approve.

Councilmember McLeod: I'll second.

Councilmember Raymaker: Is there any other insurance available or is the TML the only organization.

Mr. Smith: No, sir. We certainly can go with other insurance, but I can tell you that I would venture I guess to probably 98% of cities use TML because it is considerably cheaper because all well they specialize in municipal and that's all they do. If you want to, we can in the future consider getting an RFQ out to see if you want to go through that process, we certainly can.

Councilmember Raymaker: It probably wouldn't hurt to keep the TML honest.

Mr. Smith: Absolutely. We'll put together an RFQ in the future and bring it back to you to look at it.

Mayor Wheeler: Okay, so we have a motion on the floor to approve, we have a second, we have a motion by Councilman Bevers we have a second by Councilman McLeod. It all went so fast. We started discussion before I even talked about it. Any more discussion? All in favor?

Council: Aye.

Mayor Wheeler: Opposed? Motion is carried five-0.

10. Consideration and possible action to place a bid to host the 2018 SCAC Men's and Women's Golf Conference Championship. (1:11:56)

Okay, Item 10, consideration and possible action to place a bid to host the 2018 SCAC Men's and Women's Golf Conference Championship.

Mr. Smith: So council in front of you. You see costs, benefit, or there is no economic, the estimated economic impact for hosting the SCAC Men's and Women's Golf Championship in 2018. Now we were able to secure a course which will be the Golf Trail of the Woodlands. So you will see that the estimated revenue to our hotels at \$149 rate for the teams and \$169 rate for the spectators we'll have, estimated to be \$64,851 total occupancy tax directly from those will be \$4,540 and the total economic impact will be \$49,875. This is CVB eligible and will be funded solely through the hotel/motel tax.

Know a little about SCAC, they have been our great partner with the previous three NCA championships we hosted with swimming and diving. They were actually the host conference to host an NCAA, you either have to have a host institution or a host conference. SCAC has done this in the past. For football it will be the University of Mary Hardin-Baylor. And then with golf we have submitted Mary Hardin-Baylor and SCAC. Mary Hardin-Baylor has asked us to not have two because I think that's a little confusing. So we'll probably be going with Mary Hardin-Baylor on all three just for consistency.

This is a little bit time sensitive because it's within a year of when they want to meet. The SCAC had first discussion with coaches and athletic directors and if council approves this tonight we will notify them and they will get approved by the presidents of the universities. I'll answer any questions.

Councilmember Bradt: Greg, how could the commission expect the spectators to stay in the hotels within the city and not - in your estimate.

Mr. Smith: They can't force them to. They can't force the teams to play, but most of the spectators will want to stay in the same hotel as their players that they're watching.

Councilmember Bradt: Their guardian, or...

Mr. Smith: Yes, they could, but I don't think they will and the commissioner actually says that majority of the people-- He didn't give me a percentage will stay in the same hotel as the team because they just want to be together.

Councilmember Raymaker: But we don't have any way to enforce that they stay.

Mr. Smith: No, sir. Not on the spectators. The conference has committed that they make all the players stay in our city hotels which they can require.

Councilmember Raymaker: That's what I meant, the teams, okay.

Mr. Smith: Yes, the teams will be required.

Mayor Wheeler: And the spectators are going to be family so they're going to stay where the players are I'm sure.

Councilmember Raymaker: I can't see anything for impact on restaurants or anything. Did we consider that at all?

Mr. Smith: Yes, that's in the total economic impact. So what we do as the council has adopted \$125 per night for each hotel room that includes food, miscellaneous, items that they buy when they're

here. These types of events I feel certain that PJ Superstore will probably have a good three days since this is golf outing. But that is all calculated at that \$125 a night.

Councilmember Raymaker: Okay. I guess in the future I'd like to see an extra column that will say, here's how much tax we're going to collect for sales tax.

Mr. Smith: I can do that.

Councilmember Raymaker: At least a swag at it.

Mr. Smith: I can do that without question, but with these larger events like these it won't just be our sales tax but a regional sales tax. But I certainly can include that.

Councilmember Bradt: I make a motion to approve, submitting a bid to SCAC to host the 2018 Men's and Women's Golf Championship using hotel/motel funds for the expenditure.

Councilmember Fletcher: I'd second.

Mayor Wheeler: So we have a motion by Councilman McLeod it was seconded by Councilman Fletcher any discussion?

Councilmember Fletcher: All the expenditures that we have with the CBB other than the golf course.

Mr. Smith: Primarily it will be the golf course. There could be a few miscellaneous. Right now there is no expectation of hospitality that we may look at doing some hospitality during the tournament at the course. There could be if a coach came in late or an official came in late that we have to help provide transportation to and from the airport. But like the other NCAA events there is no other requirement than just the course. But I feel we will have some ancillaries that we will bring back to you and get approved in the budget for that event. The reason I brought this is, is over a \$15,000 expenditure and we need to get a commitment back to the SCAC.

Councilmember McLeod: Greg, what's your number on the economic impact per hotel night?

Mr. Smith: \$125

Councilmember McLeod: \$125 Okay.

Mayor Wheeler: When you say other ancillary expenditures, rough dollar amount, what are you thinking, we're talking about a couple of hundred bucks? Are we talking a couple thousand?

Mr. Smith: Without hospitality less than \$500 and then we can discuss the hospitality as a separate entity if we want to. There is no requirement for that. Any more discussion?

Mayor Wheeler: I'll say this. I think this helps us to continue putting our name out there. It shows in a very favorable light it is like one of those deals where we keep stepping up to the pump and our names will come up more often than what it already does. So, I think it's a good return on investment of course.

Councilmember McLeod: Yes. I like the fact that the cost-- The hotels will definitely guarantee to recover-- Our hotels are guarantee to recover more than our CVB expenditures.

Mr. Smith: Yes, sir.

Councilmember McLeod: Those are two numbers that I really like to see. So, it's like even if people stay outside spectators it still, we're still ahead of the curve and that our hotels are going to recover more than what we input into it.

Mr. Smith: Yes. And Mike as you recall, I believe it was two years ago, Jennifer? We ran the same analysis when the NJCAA national championship for football came out and we did not it wasn't even close, we didn't even submit a bid because the direct revenue to the hotels did not offset the expenses of it.

Councilmember McLeod: And when do they want this?

Mr. Smith: They would like to know immediately, so, but the dates are April 23rd and 24th. So, it's within a year.

Mayor Wheeler: Okay, so we have a motion and a second, we had a discussion, do we need anymore? All in favor.

Council: Aye.

Mayor Wheeler: Any opposed? Motion carries 5-0.

Tell you what this is next item may last a little while. Let's take a seven minute bathroom break and be back after the break. Okay. So it's 7:22 we'll kick up to 7:30. Just to make it nice and round.

11. Consideration and possible action to adopt the following Resolution: (1:28:25)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHENANDOAH, TEXAS, APPOINTING NEW MEMBERS TO THE SHENANDOAH CIVIC CLUB BOARD.

Mayor Wheeler: Okay. Let's move in to item 11, which is consideration and possible action to adopt the following resolution to city council of the city of Shenandoah of Texas appointing new members to the Shenandoah civic club board.

Councilmember Raymaker: I make a motion to table, I'd like to get more information on the bylaws of the civic club.

Mayor Wheeler: We have a presentation before Greg -- before we get into a table?

Mr. Smith: Not really.

Mayor Wheeler: Okay. Just want to make sure.

Mr. Smith: I mean you have the civic club board recommended at your station and that was our only presentation.

Mayor Wheeler: Okay.

Councilmember McLeod: Can I make some comments before we table?

Mayor Wheeler: We have a motion to table, so do we have a second? Going once, going twice, three times sold. So we don't have a second, so we don't have a motion to table. So now we can have some discussion. As it results to presentation, I would guess?

Mr. Frazer: You technically can, I guess. As far as the presentation side of it, you don't have a motion on the floor to discuss the motion.

Mayor Wheeler: Right, yes, we are not going to discuss the motion but we can discuss the presentation.

Councilmember McLeod: I just want to make a comment. And just put it out there. I have discussed with our stand-in city attorney, my mother has been asked and has agreed to serve on the board. I would for this reasons, I would ask that we do postpone the vote to allow public comment and see if there's any public concern or issue about that. I don't believe there is, the city attorney doesn't believe there's any sort of conflict there. I will not be the council representative on the civic club because of that. But my mother has said if anyone has an issue with that, then she will step down. But I want to give the public an opportunity to comment on that. So I'll ask that we hold the vote until the next meeting for that purpose.

Mayor Wheeler: I'm just curious why you didn't second the motion. Okay -

Councilmember Bradt: Second the motion.

Councilmember Raymaker: Motion to table.

Mayor Wheeler: Now we have a motion by Councilman Raymaker.

Councilmember McLeod: I didn't know if anybody else wanted to have any discussion, I'll second it.

Mayor Wheeler: We have a second by Councilman McLeod. Do we have any more discussion?

Councilmember Raymaker: Yes.

Mayor Wheeler: Very valid point, Councilman.

Councilmember Raymaker: Are there bylaws and can we get a copy of the bylaws?

Mr. Smith: To the staff's knowledge, there's not a set of bylaws. Now, we can do some more digging. This organization has gone through several different transformations dating back to, Charlie, I think you told me 2000 and-

Councilmember Bradt: 2008 is when it was brought up by Ken Smith and Dave Ross.

Mr. Smith: But I think it was even in consideration before then.

Councilmember Bradt: Absolutely, it would-

Mr. Smith: It's been multiple different ways.

Councilmember Bradt: There was transition and maybe, between when the civic club was basically part of the home owners association or whatever, to when the city started funding some of the things. There's a gray area, I don't know though.

Mr. Smith: I can make a clarification for this, and that's what I was just talking to Jason about. The current board is still in effect until they are no longer on the board. So all the current board members that prior to this meeting, that board is still a fully functioning board with the memberships that were there at last night's meeting. The resolution that is in place; that board is still a fully functioning board until this council changes that.

Councilmember Bradt: And their term doesn't expire until the end of this month.

Mr. Frazer: Well if you follow standing policy within the city, anybody that's put on the board is there until they resign or until their replacement is appointed. So they would stay in place even pass the end of their term if there's no resolution.

Councilmember Bradt: There is a resolution in 2015 that says it expires 06-30-2017-

Councilmember McLeod: There is an expiration date, right?

Mr. Frazer: But if they're not appointed, they would continue to serve-- If there's not a replacement appointed, they would continue to serve.

Mayor Wheeler: Like P & Z.

Mr. Frazer: Right, like P & Z.

Mr. Smith: Well, even for an example, during a run-off election in council positions, if you serve a 2-year term, and if we had a 51% requirement like what happened in Pearland recently, and I think Pasadena have one, that time period from the first election until the run-off election, the current city council stays in their position. So the exact same position-

Councilmember Bradt: Well, true. We're probably going to bring this up in two weeks which will be within the-

Mr. Smith: Yes. Correct.

Councilmember Bradt: Which means Heather would hang on for two weeks as the chair.

Councilmember Fletcher: So I guess we have listed both the voting members and non-voting members. Anybody clarify?

Mr. Smith: To my knowledge, when this was started in two-

Councilmember Bradt: Third page right. Boarding members of the top what does it mean?

Councilmember Raymaker: How is that codified though if there's no bylaws?

Councilmember Fletcher: Right.

Mr. Smith: It is not. It's by the way, the resolution, and it was started back in 2008 when the city started I believe in 2008 is when city tax dollars started being used. So they created by a resolution. But Ron, to your again-

Councilmember Bradt: It doesn't say by any...

Mayor Wheeler: Okay, so we had a motion at the table, we had a second. Do we have any more discussion?

Councilmember Fletcher: I have another question: Are the voting members ever been identified and presented to us, how is that process determined? Was it everybody voting or was it existing voting members that are on the board now provided these as nominees and that's how it was chosen? Or was it just everybody who was at the meeting?

Councilmember Bradt: All I know is it was a meeting, so I couldn't answer how-

Mr. Smith: Heather, can you answer that since you're one of the chairman's currently?

Ms. Muller: Yes, we sent out emails to the entire board of attendance. As the entire civic club intends to notify them that this is what we've discussed in this meeting this month. Because all of our terms up on the 30th. So everybody of attendance heard that conversation and opened up to the group who on that-- Voting members do not want to participate anymore and what members who are not currently voting members who would be interested in becoming voting members.

We got to a total of nine people that would be interested in being voting members. But there were only seven positions for the resident voting members and two positions for council member representatives. So two of us that were existing voting members, stepped down to allow the two new members to become voting members which was Miss Dixie, and-

Councilmember Bradt: Nancy.

Ms. Muller: Miss Nancy...who made the two new resident voting members. It was opened up to anybody that attended the civic club meeting.

Councilmember Raymaker: Thank you. I guess to follow up with Ted's question then is why would this be any different from any of the other recent committees that we've started where we have council appointments?

Mr. Smith: That certainly could be an option for the city council. Since my history has always been a committee appointed by the residents; it's actually, I believe, covered in the appointment ordinance that these recommendations come from the civic club. I'll need to refer that to-- Confirm it, but I think that's what is in that ordinance. Kathy, do you remember? The ordinance that say how we handle appointments; civic club makes their recommendations.

Ms. Reyer: I don't recall--we don't have an ordinance. The resolution sets out the board.

Mr. Smith: We have an ordinance that says forth that the Mayor makes a recommendation to appoint planning zone members, and the MDD president makes it for the MDD board. I thought we included civic club, that the civic club board made their recommendations.

Ms. Reyer: I don't believe so, but I can pull it if you want.

Mr. Smith: Okay. So we can get all of these questions answered to the best of our ability with what we've heard from council; and as Charlie stated, if the council wants to, we can bring it back at the end of the month.

Mayor Wheeler: It's been awhile since I was actually on the civic club. But I do remember, it seems like, and I'd love to get Jean here to get her input. I think the concept, at least what I remember and

what I feel like was right, was the civic club is sort of by the residents, I don't want to say for the residents, but I think conceptually it was supposed to be something that is maybe acting-- This sounds overstated, but independent of city council. So I think this body is not necessarily supposed to be like all the other committees. Am I wrong on this Jean? I think sort of -

Councilmember Bradt: Well, you're not wrong. That's what it says in here. It was created as the Shenandoah club. Didn't say civic in it. By resolution I believe the latter part of 2008, I don't know which meeting it was. I just remember reading about it. Because I knew this was coming up; and there's been resolutions every two years to do this because of the personal changes.

Mayor Wheeler: So I think the civic club picking their new coming members, who is voting, who is not voting; they sort of govern themselves if you want to use that term. I think that sort of falls within the vein of what this club was originally created for.

Councilmember Bradt: Right. But I think we need to go one step further and we don't have to make it contingent. The bylaws are - draw up bylaws for this.

Mayor Wheeler: I would agree with that. We need something. We need some clarification. I will say that as long as there's a possibility that we'll be tabling this since we have a motion and a second, then you all can also be thinking about which two city councilmembers you want to serve on the civic club. Because we do need to have two city council members filling those two spots. That's all the discussion I have. Do we have any more? Good. We have a motion on the table with a second. All in favor?

Council: Aye.

Mayor Wheeler: Any opposed? Motion to table item 11 carries 5-0.

12. Consideration and possible action to approve water plant #4 funding. (1:40:19)

Mayor Wheeler: Consideration of -- Item 12. I'm sorry. Consideration of possible action to approve water plant number four funding.

Councilmember Bevers: I move that we ask MDD to fund this project.

Councilmember McLeod: I second that motion. I also have a lot of discussions.

Mayor Wheeler: I thought so. Before we get into whether or not we have any discussions, did we have any presentation from our city administrator?

Mr. Smith: No. All the presentation is there. I think you run into a potential legal issue with MDD funding a hundred percent of this. The MDD board has already funded one water well at the tune of \$3 million. I do believe that MDD has the ability to fund commercial side of this water well but if we go down that road then, I think from my perspective and I'm not an attorney that the water and sewer fund would owe back MDD for the residential portion of the Catahoula water well. I think that needs to be carefully considered from the MDD standpoint.

Mayor Wheeler: I'll say this too, let's-

Councilmember Bradt: Are we open for discussion? We got a motion in a second.

Mayor Wheeler: Yes. We got a motion in a second so we're in discussion.

Councilmember Bradt: I didn't hear that part.

Mayor Wheeler: We had just skipped past Greg. I wanted to make sure he didn't have any presentation. Council, we can vote on requesting MDD to pay for this. We can't vote on MDD paying for it obviously.

Councilmember Bevers: Right. That was the motion...requested

Mayor Wheeler: MDD has their own -- obviously, has their own budget. I will say as an acting member serving on MDD, that budget's pretty full. There's a lot of stuff on the table there. I'm going to follow up with what Greg said is, we can't throw everything on MDD. That money does run dry sooner or later.

Councilmember McLeod: I'm going to go on a little bit of tear here. I really think the question that we need to ask, we've been talking about is how do we want to pay for this? We all agree it's needed. We've actually approved it. Previous council approved it. The question is, how do we want to pay for it? Right now, I think it's great for us to think about the fact that we actually operate our work -- water service in a cash positive manner.

That means we're actually charging our customers more than it cost to produce and deliver the water. That's okay because it allows us to put away for these things. It's allowed us to pay cash for a number of the improvements that have gone along. Previous councils were very wise to set a water rate that was in excess of that. I think that's a good thing. But why do we have savings in reserves?

I think one of the reasons we do is to pay for planned and unplanned expenses. Fundamentally, that's why we all keep our savings accounts. That's why we all put money aside is to pay for things that we know are coming up and things we don't know. We have some money in the bank. It's not enough to pay for all of it. What I don't want to do is incur unnecessary debt if we don't have to and burden residents with even higher water bills just so we can keep cash in the bank.

Even Louis Breedlove from Brooks Cardiel agrees and says, "Reserves are always the best option unless you can get an interest rate for less than what you can earn." Our current interest rates are about 1%. Our bond issue would be closer to 3%. There's a difference there.

Councilmember Bradt: 2.97 today.

Councilmember McLeod: Roughly that, right? I'm also convinced that if we had \$3 million in water and sewer, we wouldn't have this discussion. Everybody would say, "Write the check." We don't have that. We've got about 1.6 million. The plant's going to cost 1.75. That creates a gap even if we were to use a hundred percent of that. I've asked for -- I just misplaced it, of course.

Councilmember Raymaker: Doesn't it say in the background item we have 1.8 million?

Councilmember McLeod: 1.59.

Mayor Wheeler: 1.59.

Ms. Calvert: It fluctuates daily.

Councilmember McLeod: Fluctuates daily.

Councilmember Raymaker: It says cash reserves as of June 8th, 1.8.

Councilmember McLeod: Water and sewer?

Councilmember Raymaker: Yes.

Councilmember McLeod: We could drain the entirety of it. I would not suggest that. I've asked for and I don't if we've gotten a presentation for everybody about -- Here it is. On a wet year --

Mr. Smith: No, Mike those -- Joseph, I don't -- we're you able to complete the five year analysis on wet and dry today?

Mr. Peart: Yes. I sent that to you. It was after five o'clock.

Mr. Smith: If we can take a quick recess, I will print all of those out for the entire council.

Councilmember McLeod: Okay. Then we'll put them up on the screen for us.

Mr. Smith: Yes, sir.

Councilmember McLeod: Beautiful. We need a recess.

Mr. Smith: Can we recess?

Mayor Wheeler: Okay. What are we talking? Five minutes?

Mr. Smith: That's it. I just got to print and put it on the PowerPoint.

Mayor Wheeler: Let's take another recess, five minutes. Sorry folks.

Councilmember Raymaker: Hey Greg, before we get into the rainfall, what's the timeline to do a build out for the water plant? What's the urgency behind it? Can we wait until after this budget cycle?

Mr. Smith: So, that's a two part...I think we probably ought to go back on the record.

Mr. Frazer: I was going to say, I think we better go on record if we're going to have a conversation, Council.

Councilmember McLeod: We're back. I just wanted to point out it's a little different and Greg and I have talked. What I was going to look at is get some numbers and we haven't fully gotten all of the numbers but it's actually on the plus side from some of the information I had. What we're looking for -- What I've asked for is actual data and the question is in the wettest year, in other words, I've seen here that we would expect to see the least amount of water usage.

How does our cost to deliver that water compare with the revenue we bring in? The nice thing with how we've set up our rates is even in the worst case scenarios that we've seen, obviously we could have a really wet year and people, nobody uses their water or something. At least in scenarios that we've actually seen we're still cash positive. Now we're not making as much. When we sell more water we create more waters, more income. I still would leave some cushion. What I really want to talk about tonight is not the magic plan because I don't have that but I want to put a couple of different options on the table. Byron's proposed one and that was basically my first option was to ask MDD to pay for a hundred percent of the costs. MDD is certainly able to do it. We don't know what the budget is.

If you want to consider things like MDD's impact on commercial I think it's wise for us to look at water usage. Well water usage in our city. 75% of our water is commercial. Right now MDD, if you look at it, it's paid for roughly a third of our water plants.

Mayor Wheeler: You're are shaking your head Greg. What-

Mr. Smith: I think that number is like 65% is what we presented at the workshop several months ago. It is now 65% is commercial. Not trying to discredit but I want to have real numbers.

Councilmember McLeod: Well let's get real numbers. I'm all good about that.

Councilmember Fletcher: Does that include the new development?

Mr. Smith: That was as of what we had-

Councilmember Fletcher: This is existing

Mr. Smith: Yes.

Councilmember Fletcher: It would serve the new development

Councilmember McLeod: MDD has paid for roughly a third. I know the pumpage on Catahoula is a little different than the two jaspers but let's just say for a third. If we ask them to pay for a hundred percent of this plant that would bring them up to having paid for 66% of our current pumpage. Is that roughly correct Joseph?

Mr. Peart: Sorry, again, repeat the question?

Councilmember McLeod: We've got three water plants or we will when four comes fully.

Mr. Peart: Correct.

Councilmember McLeod: Each one is pumping roughly equivalent -- Catahoula pumps a little different amount. Is that correct?

Mr. Peart: Right. We actually don't get water from the Catahoula.

Councilmember McLeod: We get paper water from it.

Mr. Peart: Correct.

Councilmember McLeod: So it's counted as our -- The pumpage is roughly that. They are roughly equal. Water plant two pumps a little more right?

Mr. Peart: Right. Roughly.

Mr. Smith: I don't know how we can say that when we don't know -- I don't have the pumpage report from the Catahoula. I know that it was built at a hundred thousand or a thousand gallon per minute if I'm not mistaken. Correct Derek?

Mr. Wind: Yes.

Mr. Smith: I don't have what the pumping report is from the Catahoula well currently because we've not taken in consideration the Catahoula well in any of these discussions until tonight.

Councilmember McLeod: We do talk about Catahoula's paper water right? That's how our usages are exchanged.

Mr. Smith: Well the Catahoula well was an investment made by the city to meet the 30% reduction of the ground water GRP. Without doing the GRP with Panorama village it would have estimated that we would have had a 30 million dollar expenditure for water over the first 30 years. The Catahoula water well cost us about 3 to 3.2 million dollars. I think you do need to take that in consideration because without the Catahoula and the GRP our water rates would be similar to what The Woodlands and Conroe are paying.

Councilmember McLeod: I think that was a fantastic decision by the council at the time to do that. We talked about number one and you guys can see what my concern was there. Number one's is an option-

Councilmember Bevers: We haven't really talked about that one yet.

Councilmember McLeod: Okay. I'm working on it. The idea is to ask MDD to pay 100%. If MDD comes back and says that's not going to work, either money is not there, it's not a balance, it's not a good idea. Who knows? They're a separate board, they do their own thing or they've already committed their finances which as Ritch has pointed out, that 6 million dollars is already been allocated, already been shaved up quite a bit for the ongoing future. We can look at that.

Let's look at our water and sewer. Again the balance is now at 1.8. Let's say, we only spend 1.4 of it. We draw it down to 1.4. That leaves us with say, \$300,000 to pay. Well, that's not borrowing \$1.7 million, that's only borrowing 300,000 if we can't find it somewhere else and there's some other options. One is we can go back to MDD and say, "Okay, you don't have to pay a hundred percent, can you take care of 300,000 of this?" They have a small portion of it.

I know that we can do capital project funding and obviously that would depend on where we stand and what capital funding budgets are available, etc. We could go into general fund reserves, that's an option. This is a fairly small amount but it's something we need to look at and then of course we could be looking at going out for debt at a rate and a service that will be a much less impact on our residents.

Understanding that water rates are cash positive, we actually bring in more than the operations cost us and that is exactly to put some money in reserve for rainy day problems and all the future things we know we want to be putting out there. Those are some proposals I bring to the table, just some different ideas that I want to throw out there at the council.

Mr. Smith: Ron, you asked the question about the timeliness, so part of that is Derek as our contractor be started billing us for work yet?

Mr. Wind: No.

Mr. Smith: Do we know when our first bill is expected from the contractor?

Mr. Wind: Probably in the end of July.

Mr. Smith: Ron, to answer your question we have to the end of July before the first bill is going to come in. Is there an urgency to this? No. I think with as many items that has been discussed here, I would actually recommend to the council that we table this and move it to a separate workshop item and discuss all of these issues and put them all out on the table so we can do -- We can have all the legal questions answered and everything like this.

This is a major decision and that's why we put in the resolution to allow ourselves to pay for this and if we do take out that service we get to pay ourselves back. That's in place. If we're not going to get a bill before July the 1st or July 31st we have till August to pay it. We're looking at 50% of the plant being built before we run into any cash flow issue with it. I just put that out to I think, Ron answer your question on the timeliness.

Councilmember Raymaker: Yes, I'm just thinking about yes, if we can budget something additional when we get through the budgets cycle as well, that there's another alternative for us.

Mr. Smith: All plans are on the table. It just seems like we are going down a lot of different plans and we haven't had staff, I don't think has had time to look at all the plans and come up with the analysis that we're looking for. Mike's point about the water use and what is up on the table, our wettest year, we had our highest revenue per month, so I would like staff to have more time to do a more in-depth analysis on the rain for all because Joseph brings up a great point.

You have 10 inches of rain on Memorial Day and then the next 30 days it dries up. That's going to totally affect your usage, so I would like staff to have more time to really get into a month by month analysis on water pumped, rainfall for that month and revenue so we can look at it from that standpoint instead of just -- These are 12 months averages. I don't think that's a great comparison to make that type of decision when we have so many different options out and we are not in a time crunch. I think this could very easily be a two hour discussion by itself. We're in 40 minutes and the motion wants to table it.

Mayor Wheeler: Was it to table?

Mr. Smith: Sorry, I'm sorry then let MDD fund it. I apologize

Mayor Wheeler: The motion was to request MDD -- No, not to let but to request MDD to fund it. We had a second and we're in discussion, so do we have any more discussion?

Councilmember Bradt: Our CO's available. The CO's be available at the shorter term possibly to -- rather than going out for bonded indebtedness, 15 year or whatever.

Mr. Smith: The way we did this is this a CO because it's a revenue stream that we were borrowing the money against. We can bring back different formulas based off what council would like to see. In addition to the point that Ron made when awarded the bid, I think our bids came in a half a million dollars less than we are anticipating. We were already a half a million dollar better off from the actual cost from when we started this process and had the first workshop back in March I believe.

Councilmember Bradt: And we took the loops out.

Mr. Smith: The loops are out, yes.

Mayor Wheeler: Anymore discussion?

Councilmember Bevers: The local government code section 377 is what references municipal development districts in Texas for projects 377 then reference is 505 and Jason please jump in and correct me if I get off course. Section 505-154 explicitly allows MDD to fund water supply facilities. I've read it several times, I don't see any prohibition about percentage of commercial versus residential. I don't see it in there so I'd be happy to look at it for this.

I would add that the main reason we need this is because of the increased commercial. Sam Moon is going to be a huge draw. It's going to be a huge user and without those needs we could probably get away with our current plans. The need for this plan is commercial driven. It doesn't have to be commercial driven. It's a water supply facility and can be funded by MDD.

Mr. Smith: Derek when was this plant recommended? I believe this plant was recommended back in '07-'06?

Councilmember Bevers: Yes, that was based on growth projections, too.

Mr. Smith: This was recommended in '06? That's all I'm trying to say is that this has been a long term planned for growth and I don't think in 2006 anybody had any idea what the growth would look like, residential versus commercial.

Councilmember Fletcher: Was this also discussed in our budget this last year? I mean if we'll plan to have it?

Mr. Smith: Yes.

Councilmember Fletcher: We allocated these funds for it.

Mr. Smith: What was done in last year's budget is we allocated the million dollars to pay cash to drill the well and then we would address the plant at time that the plant was coming online and that's what we started doing.

Mayor Wheeler: Anymore discussion?

Councilmember Raymaker: I was just going to say then why did we start building the plant that we hadn't budgeted the dollars for it?

Mr. Smith: We voted to do that.

Councilmember McLeod: You were actually there

Mayor Wheeler: I wasn't going to say it.

Councilmember Raymaker: At the budget meeting, yes, but I didn't vote for the budget.

Councilmember McLeod: We voted up here after the budget meeting to go ahead and get going and we'd figure out the details, whether we're going to do bond or later.

Councilmember Fletcher: I know there's a lot more discussion on this, absolutely. If you want to table that I'm good with tabling it.

Mr. Frazer: I believe you got a motion already.

Mayor Wheeler: By now we have a motion and a second.

I'll say this, I think you're right Byron, I do believe that MDD can pay for this. I'm not sure that I'm agreeing that it needs to or has to pay for it, especially not a hundred percent of it. In a lot of cases when it comes to reserves I'm okay keeping money for a rainy day especially when it comes to general fund because I like knowing that we have money in the bank in case something happens, we don't have to go back and ask our residents for higher taxes.

I feel like the general fund protects our residents when it comes to cash reserves. Water and sewer, I'm okay spending some of that money. I think we should. MDD's got a lot other stuff on the table right now. It's important stuff and I don't think that MDD is just a slush fund and I'm not saying you thought it was but I don't think MDD's a slush fund where every time we need a little bit of money we go ask them for it. I agree that I think we probably should think about tabling this but as we think about this going forward, I think it's important to also think about, let's keep water and sewer as much as we can paying for water and sewer. Let's keep general fund as much as we can, protecting our residents and MDD as much as we can, promoting the growth of commercial businesses. While you're right, the commercial businesses that are going to be coming online will impact this. Let's not forget there's going to be a thousand homes over there between apartment homes and additional houses that will be built. There's going to be quite a bit of residential growth over there too so I think that will have some usage for the water. I think there's a good compromise somewhere in there that we can come up with.

Councilmember Bevers: Making a request MDD doesn't push the ball any further. It essentially is tabling it while we investigate an alternate path.

Councilmember McLeod: The MDD meeting is going to be before our next meeting so I think it's reasonable to make that request. The only other question is do we want to make two requests or do we just want to make the hundred percent request and--

Mayor Wheeler: I can tell you that I would not support that 100% request. What I think we should probably do is like Greg said, we've got until July 31st; is that right?

Mr. Smith: That's before the first bill comes in.

Mayor Wheeler: That's before the first bill comes? I think we have time and our second meeting this month to come up with what we want, that request and that package to look like. We still have time before the next MDD meeting if that's the decision we decide to go. We may come up with a different route, maybe something better.

Councilmember Bevers: The problem is if we decide to go that route and then MDD comes back and says no or we're okay funding at 50%. That affects our decisions.

Councilmember Fletcher: I think to the bigger picture of that as well, the scope of what's coming up on the east side, we're talking about 1.7 million dollars here to go to the bond. I think we need to probably look bigger than that. Doesn't mean that we have to utilize all those funds but I think we need to be looking a little bit farther ahead than just 1.7 million for a water plant. There's a lot of things that are coming up that we don't need to take onesie twosie anymore. I don't want to get off topic here but I know we're open for discussion with MDD and I think it probably be good if -- and this will be in my general inquiry that MDD comes to them and that we do a joint session with MDD as well as with Planning & Zoning. We need to come up with some of these things specifically. If we're going to look at a bond issue, we don't need to look at 1.7 million. That's ridiculous when

there's more than enough money to cover it. We need to be looking at the full picture, not just one item. There's a lot more to it than just sending this to MDD and saying, "Hey, MDD, will you take this?" There's a lot more that MDD is going to be involved with down the road. There's a lot more that we are and we need to bring everybody together to be able to strategically begin to plan for that because right now there isn't one where there's all of us together.

Mayor Wheeler: We have a motion on the floor to request MDD to pay for a hundred percent of this. We have a second, we had a discussion. Would you like to modify your motion? Would you like to keep it as is? Is there a certain percentage difference you want to ask we go to MDD for? Is there--?

Councilmember Bevers: If this motion passes tonight and MDD comes back and says no then at the next agenda with this item on it, I want to make a motion that says "I asked for MDD to make a partial funding." We certainly can ask for a partial amount. I believe MDD funding at 100% is in the best interest of the city. Low water rates do attract commercial businesses, commercial growth that is part of the equation.

Mayor Wheeler: Why would we not use the reserves that are in water and sewer?

Councilmember Bevers: I'd like to say this and I don't know if we can talk about other water projects.

Mr. Frazer: I think you're getting really close to getting off your agenda items at this point in time.

Councilmember Bevers: We could talk about a capital improvement plan in terms of broad scope of projects but given the agenda item right now--

Mayor Wheeler: For this particular -- Yes.

Councilmember Bevers: - I'm asking for MDD to fund. At least consider funding it. I don't believe it's been an agenda item or--

Councilmember Fletcher: I don't think it's been proposed to MDD at all. I know that it hasn't because I know that the --

Mr. Smith: You're correct. MDD has not considered this and if I'm not mistaken, this is the first time the council has actually discussed MDD funding it. MDD has been mentioned but this is the first time we've gotten down to a discussion where we are asking MDD to fund it.

Councilmember Fletcher: I believe Councilman Frazier has stated specifically that MDD will not consider this as a funding project.

Mr. Frazer: Councilman Frazier didn't.

Councilmember Fletcher: The other Frazier.

Mr. Frazer: Okay, I was going to say.

Councilmember McLeod: For some quick math, 25% would be 437,000. 25% of the water plant. If anybody's interested.

Mayor Wheeler: Why would we be interested in 25%?

Councilmember Fletcher: Well, because he's saying that would be the portion that water would pay and MDD would pay.

Councilmember McLeod: If we wanted to ask MDD to pay a percentage.

Councilmember Fletcher: If you look at the numbers that were originally proposed in the presentation that it would be 614,000 roughly that water would pay and 1.14 that MDD would pay if it was 65-35.

Mayor Wheeler: Any more discussion?

Councilmember Fletcher: What are we voting on now?

Mayor Wheeler: As of right now, we have a motion on the floor to request MDD to pay for a hundred percent of water plant number four. That's the motion with a second.

Councilmember Bevers: Call the vote or however you say it.

Mayor Wheeler: All in favor?

Councilmember Bevers: Aye.

Councilmember McLeod: Aye.

Mayor Wheeler: Any opposed?

Councilmember Bradt: Nay.

Councilmember Fletcher: Nay.

Mayor Wheeler: We had Councilman Raymaker, Councilman Bevers and Councilman McLeod vote "aye," Councilman Bradt and Councilman Fletcher voted "nay". Motion carries 3-2. The council will ask MDD to fund water plant number four a hundred percent.

13. Consideration and possible action to adopt a schedule for council meeting agenda posting.
(2:17:03)

Mayor Wheeler: Item 13, consideration and possible action to adopt a schedule for council meeting agenda posting.

Mr. Smith: Council this was at the request of Ron at the last meeting. This is not his first time to make this request. He made it about a year ago to extend out how long we post agendas. State law requires 72 hours and I believe we are -- That's three days and I think we're over five days for our posting so that's what this agenda item is regarding.

Councilmember Raymaker: Just discussion, right?

Mayor Wheeler: Consideration and possible action.

Mr. Smith: Every agenda item tonight was put because the council hadn't decided how we were handling. Is discussion an impossible action?

Mayor Wheeler: Which makes it much harder on me by the way but that's okay, we'll get into that later.

If we want to have some presentation/discussion before we have somebody present a motion, that's okay because it is consideration and possible action but if you would like to make a motion, make a motion.

Councilmember Raymaker: I just wanted to kick it off saying that again moving up the agenda deadline, about ten days to the Friday prior will allow folks to have much more time to do their research, get prepared, if they have child care they can get that stuff all taken care of. It helps it with our planning so that our department heads can know what's going on and there's no running around like a chicken with their head cut off on the Friday that the cut-off date is before the 72 hour deadline. It's really for the residents to be able to have that opportunity to have more exposure and again, we can handle anything that's an emergency-type item that requires business much more time with that but for general things, I think that we should have that extra lead time.

Councilmember McLeod: Would you be suggesting that we would post maybe a preliminary agenda maybe that Monday before like classically that Friday before the meeting, maybe that Monday before the Friday, we would post a preliminary agenda and then that would get modified though the week as people add to it or were you thinking everything has to be complete, basically a full seven days before it is now? I'm thinking because we've got staff that does a lot of work and I want to make sure that they can answer questions and we're only doing things each agenda...the work for that agenda item's been done. With a draft agenda, where it's built on, so you can see things as they are added, but-

Councilmember Raymaker: I'll give Greg credit then for coming up with a multi-prong solution where you could have one section of an agenda that is going to change, because it's going to be something needs to have some action taken, and the ones where we know that we're going to be doing discussion items, so those discussion ones can be way in advance. If some business comes up that we need to take care of or take action on, yes, of course, you can add those into a separate section and would also help focus peoples' attention on what's actually going to be acted on versus what's just up for discussion.

Mayor Wheeler: I can tell you just from my constant contact, not to use that term, no pun intended, with staff, pretty much every day, they start working on the agenda basically tomorrow. Yes, I liken it to a sports coach when they talk about -- on the championship, what are you doing tomorrow? They start recruiting. It's like they don't take a day off. I just don't know how you can realistically move an agenda that far up.

Conceptually it's a great idea. Logistically, I don't know that it's even possible, much less makes sense to put an agenda out there that far in advance. It's going to change. It just does. I feel like that we give more than the required amount and by backing it up prior to the weekend, we give people an entire weekend when they're not dealing with work, they're not dealing with anything else, they kind of peruse through an agenda and then decide in the upcoming week if it's something that they want to get involved in. I just see how much work goes into it, because I'm -- maybe just because again, because I'm discussing back and forth with staff, and very rarely do they ever run around with their heads cut off.

Councilmember Raymaker: I've heard from other staff members that they think that it might help. That to get something set, you're going to go through the initial shock and awe of meeting the first

deadline and then after that it just becomes the normal cadence and that's what you've managed to.

Councilmember Fletcher: Doesn't P&Z have some deadline on their agenda?

Mr. Smith: You have a certain requirements to take action on planning and zoning, but this would not change any of the planning and zoning because those public hearings are set so far and advanced they're -- during the normal council meetings, planning and zoning for the posting part of it, would not make a huge difference. We've looked at that very carefully since Ron brought this up last year and the planning and zoning is not a real issue because those dates are set. Now with that said, information from the planning and zoning commission would not be included in the packet if the packet was posted prior to the planning and zoning meeting.

Mayor Wheeler: Because you have the third Tuesday versus the fourth Wednesday-

Mr. Smith: Well, you also have the potential of some special meetings that we've had and Mike requested, and staff is now doing it. I believe, it's Mike that requested that if the planning and zoning meeting occurs Tuesday night, council is notified of P&Z's action that night as well as either that night or first thing in the morning, the agenda is updated with the action from planning and zoning. That would be the only aspect, Ted, on the planning and zoning issue.

Mayor Wheeler: Byron being that you used to work up here, what's your take on this?

Councilmember Bevers: Well, seeing as we kept the discussion items, where we discussed earlier tonight every important item is going to be in the public realm for 19 days right now. That's a pretty long period. Particularly burdensome on staff will be that the second meeting of the month, so the 4th Wednesday, where to meet this schedule they would have to post less than 48 hours after the meeting. In anticipation of the meeting, two weeks from now, staff would have to post this Friday, and there's going to be changes between tonight. It's already a two and a half hour session tonight, and then they have to post on Friday. That really limits their ability to have vacation and get other work done. On P&Z, I would like to see the P&Z recommendation in the agenda packet originally. In order to do that do that, this would push agenda items even further. I think this would be a significant burden on the staff.

Councilmember McLeod: That being said, I think Ron has some points with -- There is some routine stuff we know, that it will be coming up in the months and I don't know that we couldn't put skeletons out there. Skeleton agenda says, "Hey on, this meeting we're going to be doing a discussion on X." How that helps people, I'm not sure. That would be my concern is why -- That's what I was asking you right is, do you want to put something up there and then we add or rearrange? Is that going to be more confusing to the public or is that going to actually -- That would be my concern with putting the skeleton out there, is that you can end up confusing people and they pull an agenda and they'll go, "Well, here's an agenda, there's only three items on it." None of these are interesting then Friday we actually post the final one and it's got 19 items.

Mayor Wheeler: I'm going to call Charlie out, just because I love him and he knows it. He knows he didn't have to take it personally but even Charlie you've made the mistake of printing off a draft agenda and meeting and bringing it up here and then the agenda had actually changed between the drafted agenda and the regular agenda, and so we were over here trying to compare notes. We're talking about a guy who has been involved in the city for a long time, that's a very honest mistake. I could easily see a resident doing that by accident, and so I don't want to confuse the residents any more than what we would have to if at all-

Councilmember Raymaker: Not to throw the baby out with the bath water, but anything, even short of that like the Wednesday before instead of the Friday, just some modification to allow people a little bit more time to prepare. Now, personally, I don't want to look for the meeting agenda on Friday evening and plan at looking at all the items over the weekend, that's my family time. I would prefer to see it a little earlier even if it is a Wednesday.

Mayor Wheeler: Do we have a motion?

Councilmember Raymaker: I think we're just at discussion right?

Mayor Wheeler: We are. Is a consideration possible action, so if we want -- Somebody wants to throw a motion out there that-- It is on the agenda.

Councilmember Bevers: I move to make no change.

Councilmember McLeod: I second.

Mayor Wheeler: Do we have any discussion about no change? Okay. We have a motion by Councilman Bevers for no change, we have a second by Councilman Cloud. All in favor?

Council: Aye.

Mayor Wheeler: Any opposed?

Mayor Wheeler: No.

Mayor Wheeler: Motion carries 40 to 1. Councilman Rainmaker was the opposing vote. Good discussion though.

14. Consideration and possible action to appoint members to the Charter Committee.

Mayor Wheeler: Okay, let's move to item 14 which is consideration and possible action to appoint members to the charter committee.

Mr. Smith: Council, with the election of Ted and Byron, Ritch and Ron, each have an appointment that they can make to the charter committee, since Ted and Byron are now on the council as well as when we set this committee up and we used council member appointments, I think Charlie, Byron and Ted could also remove the current position, appoint somebody, and, or they could recommend that they become the jet part of the general and the entire council votes on those individuals, they stay on the committee but not as a council appointment. This is just out there, with all the other committees to have the discussion and let everybody make some decisions on what they want to do.

Councilmember McLeod: All right, I'm going to jump in here -- I would like the council to consider the current flavor of the charter committee. I think that's a term I heard recently and I really like it, and seek that we maintain that as we move forward. I don't personally ever see it up for appointment but if there becomes a seat available, Alex Warmath, if I said that right, is interested in serving and I think he would be an excellent candidate.

Councilmember Fletcher: I'm sorry, who did you say?

Councilmember: Alex Warmath.

Mayor Wheeler: Siting right there.

Councilmember McLeod: Sitting.

Councilmember Raymaker: Well, I'm going to make a motion to appoint Dave Ross for my spot.

Councilmember Fletcher: I'd second that.

Councilmember McLeod: I don't think it's a motion second, it's you.

Mr. Smith: What we did the first time as council. You just get to appoint one. So you said Dave Ross so Dave Ross is now your appointment. It's the way we did it the first time.

Councilmember Bevers: I would like to assess if we need this committee right now, before making appointments. I'd like to see that in the future. Can't really talk about it tonight.

Mayor Wheeler: I was waiting.

Mr. Frazer: That's outside the scope of where we are at here.

Councilmember Bevers: So I guess I would motion that we table it until such time we can assess the need of the committee.

Councilmember Bradt: Well I replaced Jean Teague and she selected Gary Henson and I have no desire to change it. I talked with Mr. Henson, and he wishes to remain on the charter committee. I'm perfectly fine with that so I wouldn't make any changes.

Mayor Wheeler: Okay. So we had a motion by Councilman Bevers to table this agenda item. Do we have a second? Going once, going twice.

Councilmember McLeod: I'll second.

Mayor Wheeler: Ok, we have a second. Do we have discussion about tabling the item?

Councilmember Bevers: We could certainly just bring this up as a future item and have appointments made in the meantime.

Councilmember McLeod: That would be my preference.

Mayor Wheeler: I think that if there was a council member who appointed somebody to the charter committee, and that person got elected on council then it's that person's responsibility to then come up with two appointments, that's what my

Councilmember McLeod: I gave you one. I'm just saying.

Councilmember Raymaker: Well I mean seeing how we haven't actually chloroformed that committee yet, then I think that appointing Dave Ross would stand.

Mayor Wheeler: All right so motion and second, any more discussion? All in favor?

Mr. Frazer: Hold on a second Mayor, You really don't have anything to table here.

Mayor Wheeler: But he motioned it.

Councilmember Bevers: I'll take the motion off and just request that we have a future agenda item to assess the-

Mr. Frazer: That's cleaner.

Mayor Wheeler: Very good.

Mayor Wheeler: Okay, moving on to item 15 then.

Councilmember McLeod: Oh, hang on. Can I talk about this too? I would also like the council to instruct the charter committee to determine a rule for being removed due to inactivity.

Mr. Frazer: I believe we are way off.

Councilmember McLeod: This is I guess - we'll talk about it.

Mr. Frazer: You can bring this up during council inquiry.

Councilmember McLeod: I'll do that.

15. Consideration and possible action to create the position of investigator for the Police Department in FY 2016/2017. (2:32:39)

Mayor: Okay item 15, consideration of possible action to create the position of investigator for the police department in fiscal year 2016/2017. I think we have some presentation.

Councilmember Bevers: I'll take a motion

Councilmember Fletcher: I'll second.

Mayor Wheeler: Okay. Any discussion?

Mr. Frazer: Mayor: can you let us know who the motion and the second were from please.

Mayor Wheeler: Yes. The motion was from Councilman Bevers and I have no idea who seconded. Councilman Fletcher. Do we have any discussion?

Councilmember Bevers: Chief this is your greatest need at this time.

Chief Shaw: Right now to help the detective with his investigations with all the burglaries that we've had in the last six to eight months -

Councilmember Bevers: in the agenda report under policy and goal consideration it states to continue the staffing plan of the police of the department, do you mind sending that to me?

Chief Shaw: I couldn't hear what you said.

Councilmember Bevers: Sorry. Under policy and goal consideration it says continue staffing plan of the police department. Is that a formal document that you can send or is it a plan in place?

Mr. Smith: I can actually answer that. This was the plan that John Chancellor put together, to request an investigator in next year's budget the reason I'm asking to do it now, is that we had two

excellent candidates out of our last pool. What I'm asking to do is go ahead and convert the fire marshal's position into the investigator's position, hire the second officer now, that officer will be in training and we will stay fully staffed on patrol, have some help for investigations immediately. Then on October one the investigator's position will become a permanently filled position, from within the police department. We are hiring a patrolman right now and the investigator's position will be assigned by the Chief later.

Chief Shaw: It's a tested position. They have started testing for it. Jimmy Miles, when he was here that's part of his job was to help with investigations, because he didn't have that much fire investigation to do.

Councilmember Bevers: Thank you.

Mayor Wheeler: Anymore discussion? Okay we had a motion, a second, all in favor?

Council: Aye

Mayor Wheeler: Any opposed? Motion carries 5-0.

16. Consideration and possible action to approve revisions to the Communication and Chain of Command policies.

Mayor Wheeler: Item 16, consideration and possible action to approve revisions to the communication, and chain of command policies. Greg any presentation?

Mr. Smith: I'll just go over what we've already gone over. The committee presented modifications to the communication, and chain of command back in May. This was up for approval last meeting, it was tabled and then Warren provided his version of the communication, and chain of command policy revisions.

Councilmember Bevers: Since I presented them I'll open discussion, if that's alright.

Mayor Wheeler: Do we need a motion first?

Councilmember Bevers: I'll get there.

Mayor Wheeler: So we're still in presentation. Okay.

Councilmember Bevers: The presentation that I gave, the revisions, it was not meant to be a fully polished document certainly needed to be by our city attorney. I appreciate the vetting that the residents have provided. I think you could probably see the intent of some of my revisions. I think Mr. Warmath provided some alternate wording, alternate procedures I appreciated. I think it's probably a better plan than I presented so I would vote that we actually table this. I'll meet with Bill and whenever he gets back from vacation, and figure out something different to propose.

Councilmember Bradt: I'll second that.

Councilmember McLeod: I would suggest at this point even if we wanted to move forward, that the anonymous form of communication at this point be stricken. Treat that as a separate item until we get that fully fleshed out. I think it's fantastic; I think it's something we definitely need to have that step of last resort, and make that available to our employees. Until we have that system in place, we talked about this last year, until we had that system in place, whether it's the one like Alex

described, or an 800 number or whatever that system is until we have that system actually in place. I don't want to put things in policy that says you are encouraged to make an honest report until we have a system functioning.

Councilmember Bevers: It's being tabled so it won't be in policy.

Councilmember McLeod: I know i'm just saying we are going to come back in any sort of-- it's going to take us more than a couple of weeks to address that-

Councilmember Fletcher: As we're talking about chain of command, specifically to address some of those items. I think it will be important for us to try to move towards resolution, prior to going into budget session in specific. If we are looking at chain of command overall, Mayor, one of the things that you had recommended in budget session last year, had to do with not us having our own HR department but actually contracting with an HR department. Which more than would take care of any employee anonymous forms, or discussions whatsoever. I would get in what I present for consideration, council a chain of command I didn't put all-- I just used department heads. I didn't put all employees as our current chain of command is. I would identify that we need to make a modification regardless. I'm sure it's a typo that the city attorney actually reports to Mayor: and council for attorney client privileges which show in the organizational chart that way. I looked at a few things with respect to the organizational chart as a whole. One we've talked about Civic Club here this evening and I think you were right, Mayor, that Civic Club-- the greatest way for civic virtue is not to be part of a government entity.

Councilmember Bevers: I was going to suggest, don't we have a document, image thing we can put up in the screen?

Mr. Smith: Sure. There you go.

Councilmember Fletcher: So I put color coded this here with...citizens are in green, government is in red, third party contractors are in purple, city administration in orange, and of course our police department in blue. I think in looking at this overall, human resources and contracting out human resources, obviously we don't need our own human resources department at this point but to contract that out, obviously makes a lot of sense, especially in keeping confidentiality with our employees, it gives them the ability to communicate freely with an entity, that not only will keep it confidential but can also advise on as well.

Well back to the Civic Club here, since we're still working on getting this up. Organizationally I think civic club should be on its own entity. That if we're going to work on bylaws, we ought to work on becoming its own 501C3. Council can either appoint the initial board-- but I think we ought to look our attorney to actually make the Civic Club of 501C3 where it's its own separate entity, runs itself, manages itself, and governs itself. So the second part of that is adding the human resources, the third part of that is changing our structure of our police department to where they actually report to council and the Mayor, where that way it's a body of people, rather than just one person.

I think that's important for several reasons. The primary reason is that there's not any one person that controls the police department. The police department is its own deal, and is ran organizationally that way, I think it will help make our police department more effective and more efficient. I know going back-- almost 30 years ago when I worked as a deputy reserve sheriff, we were in a similar situation in which we had a city manager that oversaw the police department, and often there were things that we needed in the department that we didn't get.

I'm not saying that's the case here, I'm just saying that it became more effective and efficient for us, that were part of that department when we actually reported directly to council, and at that time, a Mayor: situation as well. It's food for thought, it's not an absolute. Since we're on topic of chain of command. I believe chain of command is very important. As business owner we have chain of command, and in our business, it's very important for people to know who they report to, what's expected of them, and how they doing along the way. You have to have department heads and our city administrator.

I think overall our city is run very efficiently and effectively. And not only does our city administrator do a good job but each of the department heads do a good job. And I'm for one very appreciative of that as a citizen here but again--I'll open it for comment.

Councilmember Raymaker: I like the idea of the human resources, I know Rich and I we talked about this in the budget workshop last year, it didn't get any traction then. There are processes that we just don't need to reinvent here, that we can hire out. Why chase your tail trying to figure out what the best practices for an ethics hotline when there is plenty of people that already source that.

Mayor Wheeler: Any other discussion? So currently we have a motion on a floor to table.

Councilmember Raymaker: So we had a lot of good discussion.

Mayor Wheeler: Wait a second. We've had discussion. I'll say this, I think the motion to table is a good idea. I think we need to put this back on agenda, we probably need to break it up. We need to have it on agenda that we just gotta vote on or something, I appreciate the work that not only Councilman Bevers did a couple of weeks ago, but that Councilman Fletcher's done. I think the challenge there is when you have one person drafting proposals, it's not a collaborative effort between all of the council, unless were able to sit and discuss it, and pore over it, and dissect it, and shoot holes in it, which is if we're really going to do this, if we're going to dig into chain of command and the policy then that's what we need to do. You need to come to the table willing to come up with every reason in the world not to do something, so that we look at from every angle possible and we don't make a rash decision and a quick mistake.

Councilmember Bradt: Can I interject...we have another agenda item on the policy committee. If we get them involved, whoever those people are?

Mayor Wheeler: Do we have the policy committee on the agenda? Oh you're saying put that. Yes.

Councilmember Bradt: But we not engage the policy committee whoever that, who's in that committee? To also get in the middle of this.

Mayor Wheeler: Yes.

Councilmember Bradt: I think that will take a lot of the heat and a lot of the...Just a thought.

Mayor Wheeler: Yes.

Councilmember Raymaker: Would we be able to at least come up with the future agenda item then, getting a consultant to take a look in into having some other company to source the HR function.

Mayor Wheeler: I think we are the consultants. We're here to put our heads together, come up with the best course of action for the city.

Councilmember Raymaker: But that's not what we do every day.

Councilmember Bevers: We could certainly have agenda item to hire a third party to do human resources and utilize their expertise for policy drafting.

Mayor Wheeler: Yes. That's a perfect place to talk about that during budget workshop. Okay. So any more discussion? All again. We're all set. Very good discussion. So we have a motion to table and second. All in favor?

Council: Aye

Mayor Wheeler: Any opposed? Okay. Motion to table, the revisions carries 5-0.

17. Consideration regarding the employee policy manual. (2:47:30)

Mayor Wheeler: Let's move into item 17 which is consideration regarding the employee policy manual. This is discussion only.

Councilmember Bevers: I have a several proposed revisions given my legal analysis has fallen short...

Councilmember Fletcher: I move that we table this.

Councilmember McLeod: I second.

Councilmember Raymaker: We might also consider breaking a down into the top five that we want to work on at any particular time.

Councilmember McLeod: Yes. I was going to suggest that we're going to walk through this as a group. We're going to have to take small bites. Okay.

Mayor Wheeler: We don't need to table anything, we're just don't need to discuss it anymore. Okay. Since it was a discussion only. Okay.

18. Consideration and possible action on whether to require that all hiring be publicly announced and publicly posted on the City website for a period of at least 14 calendar days before any decisions can be made. (2:48:20)

Mayor Wheeler: Item 18, unless anybody has something to talk about. Item 18 consideration and possible action on whether to require all hiring be publicly announced, and publicly posted on the city website, for a period of at least 14 calendar days, before any decisions can be made. Somebody want to kick this one off? Whoever-

Councilmember McLeod: Yes. I brought this forward. It's more of a consistency transparency item. You know, a place on a website where the people can see careers, jobs, whatever, in making sure that positions are open, that we get the best people, that we don't hire people too quickly and in our practice, I think we've been, what are we taking? 21? 30 days? To make a decision.

Mr. Smith: Typically yes.

Councilmember McLeod: This is not fixing something that's broken, this is making sure that we keep things open and putting it out there, that we're not going to hire somebody quickly. We're going to

make sure we've given enough applicants to apply for jobs. That's really all that this is. And I just kinda open it up for discussion at this point and I don't want to do necessary action on tonight, but we can have a discussion, and we can actually vote on next week. Next meeting.

Councilmember Fletcher: Do we have firm policy on that?

Mr. Smith: I don't know that we have a formal policy. I know our practice has been to at least leave to job posted open for ten days. We have done a couple of different situations several years ago. Chief Chancellor asked us to allow him to post one time. We accepted all those applicants, and they would be accepted for a period of 12 months. They only had to do the posting once. Couple positions, we have filled with temporary agencies. The temporary agency individual has worked out and then let's move into a full-time position. Other than those two situations, I think borrowing a part-time temporary position, or our life guards and some of those abnormal positions that we come up with occasionally, we have met at least that 10 day. Probably on average I think it's been 20 or 30 days before we hire one.

Making it a formal policy, I have no problem with at all. We can just make the guidelines. I have no problem with what Mike has proposed. We did it 10 days, going 14 days is not going to hinder the operations in the city. The only thing that I would ask is that we do have the ability to use temp agencies if it's needed.

Councilmember McLeod: I don't have any problem with temp agencies, that just once it comes down to fill that permanent spot that we open it up and-

Mr. Smith: Yes, what we would do in that situation- my thought with that is if we hire temp agency, the individual who's through the temp agency would be able to apply. It would still be posted 14 days for everybody to apply to. We're not just going to a temp agency and hiring out of that temp agency. I think that was your intent.

Councilmember McLeod: That's exactly what I was looking for. Just a formalize it. I knew generally there was a time and we had some posting but I didn't see any sort of formal guidelines. I thought that would be something that we should formalize.

Mr. Smith: I have no problem with that. We can actually put those guidelines on the website, on that page so everybody understands.

Mayor Wheeler: I'm going to play devil's advocate here then. What's the drawback? Do we run the risk of getting into a situation where we don't get to hire somebody in 14? We need to hire, we put this 14 day, have to wait-

Mr. Smith: Sure.

Mayor Wheeler: -period out there. i mean-

Mr. Smith: Yes, we've had situations to where an employee is choosing between us and another job offer. If we are on day 12 and the other job offer comes through, they won't take our job. Is that a bad thing? I think we have the potential to lose four days but I don't think it will kill us in any way.

Mayor Wheeler: Are there times where we need to fill position quicker than 14 days based on the position? Not necessarily the individual but we just need this position filled.

Mr. Smith: Yes, but we have that ability through the temp agency. If we have that position in that critical of a need, we would go to a temp agency. We wouldn't post it for three days and then hire somebody in those three days. With the ability to use a temp agency, I feel we wouldn't be able to need all of our immediate needs for positions.

Mayor Wheeler: Okay.

Mr. Smith: With the temp agency availability.

Mayor Wheeler: We don't want to handcuff the staff by putting something like this, if there's a department head that wants to weigh in, feel free. I don't want to handcuff staff if by putting something like this on there, it would hinder you.

Ms. Calvert: I think 14 days is fine, by the time you have time to schedule interviews, schedule second interviews; you're already into 14 days.

Mayor Wheeler: Okay.

Councilmember Bradt: Are we just talking about four days?

Mr. Smith: Yes sir.

Councilmember McLeod: There's no formal policy now -- practice has been 10 days. Nothing in writing. It's just-

Mr. Smith: If councils is okay with it, I will draft something up, and present it at the next meeting with the guidelines that we have discussed.

Councilmember McLeod: I'm good with that.

Mayor Wheeler: Yes, that sounds like that's probably the-- that way, we have something to vote on.

Councilmember Raymaker: Do we actually use the newspaper?

Mr. Smith: No sir. We do not. Our practice is TML and our own website. Only in rare circumstances when we get no applicants, will we put it in the newspaper.

Ms. Calvert: When you post it indeed and all of those sites pick it up so quickly. By the time we get to the newspaper, we're already behind the game.

Councilmember Raymaker: Yes, I don't think the newspaper was a good way to look for people.

Mayor Wheeler: Any more discussion?

19. Consideration regarding the role of Planning and Zoning in Shenandoah. (2:54:30)

Mayor Wheeler: Let's move to item 19 then which is consideration regarding the role of planning and zoning in Shenandoah.

Councilmember McLeod: Again, I brought this forth. Dean of Presidents here, I just- to put it really simple I think it's time we get the P back in P&Z. I feel like it's -- I need to pause a little longer.

Councilmember Bradt: They don't like that.

Councilmember McLeod: I feel like we've been dealing-

Mayor Wheeler: That's on film you know.

Councilmember McLeod: I should have a little more delay. I think for a long time-- and we've just been going to P&Z when it's been a question of zoning, or it's just been- The most recent example could be the gas line where P&Z didn't even see it. Even though council have seen and approved it. Tonight was an example of energy presenting something and I asked the question, what's P&Z think? Ideally, I'd like to see a developer come to city hall with a plan. The idea is-- city hall's point is this is a legal business to operate within our city. Yes, okay let's get you talking to planning and zoning.

Start that conversation early with the developers so the developers can get a sense from these residence that we've charged, to look out for the future of our city. How our city should look, how the different pieces of our city interact. I think if we could get that integration, get that engagement started sooner rather than later, we could avoid some of the issues, and some of the concerns that have been going on. That's to kick-off the discussion of how this council will use planning and zoning. I know we've got a formal planning zoning member. I would just like to see-

That's my reason for bringing it forth. I think we should be more actively using planning and zoning, when it comes to planning the future of Shenandoah. I'm opening the floor for discussion-

Councilmember Bradt: Let me say something and we'll let Mr. Gristy. I spent my time in planning and zoning. I have seen a decline in the involvement of different things. I don't know what started it or whether the urgency of developers, or the fast pace. We used to see a lot of things come across. We used to look at ordinances. We used to look at plan, made to bounce, a lot of things not just variances and the SUPs, and things of that nature. I think we somewhat lately underutilized the P&Z. I don't know what the solution is, what we could come up with Greg's involvement to increase that. I do think it's worth a listen.

Mr. Smith: I think the first start of that from a staff's perspective is going to be evaluation of the IDC because most of what is-

Councilmember Bradt: Very well needed.

Mr. Smith: -goes to P&Z is now dictated by the IDC.

Councilmember Bradt: I was on that committee and some of the ramifications that you don't really realize until you're actually running down the field with the ball.

Mr. Smith: None of the council is here except for the City Attorney, when the IDC was actually passed. One of the comments that was made during that meeting is that this is a living document. We will need to address things as they come up.

Councilmember Bradt: Do you have specific rather than just throw the whole IBC which is a lot of work, but specific areas that need attention?

Mr. Smith: Yes, there are some specific areas that need attention from a staff standpoint. I do not think what staff has identified coincides with what Mike just brought up, expanding the roles of planning and zoning. I think we start with the IDC. We may not have to change to the IDC, we may

just change our practices. Towards something-- our practice is to let P&Z see it even though it may not be required by the IDC. I think we start with the IDC and then grow off of there, to see what other areas planning and zoning can get involved in.

Councilmember Bradt: That's a good plan, I never thought the IDC was the culprit and restricted that.

Mr. Smith: Yes, the IDC now states- I'm trying to think one of the situations. The center point issue. The IDC said that was a council decision that's why P&Z didn't see it. It was the IDC said that's council's decision. That's why I came directly to here. We can certainly change the process and maybe not have to dissolve the IDC in its entirety. I think we need to look at the IDC to make sure that the IDC is not prohibiting what Mike is discussing.

Mayor Wheeler: That's where I was about to go. Does it prohibit planning? Because all planning and zoning do is making recommendations to begin with, so they're not deciding on a course of action. So does the IDC prevent us from asking them for additional recommendations?

Councilmember Bradt: Well we'll actually approve a plat. If anything or subdivision of a piece of property or whatever, and it needs some bounds and building lines and all that, yes you approve that. As far as recommending-

Mr. Frazer: Council would be in its rights to send any decision for an opinion to P&Z.

Mayor Wheeler: Right, yes.

Mr. Frazer: It's your decision. It's this council's decision, but if part of that the decision making tree, is say "P&Z please give us your analysis on that we want to use that," this council would be free to implement that policy or that procedure.

Councilmember Bradt: And I agree with Greg the IDC would be a good place to start and then work from there.

Mayor Wheeler: Yes.

Councilmember Fletcher: Mike are you referring more to our comprehensive development plan?

Councilmember McLeod: Well there is that. There is a comprehensive-- but it's in general we've seen and Charlie pointed this out. We've seen things going to planning and zoning saying we'd like a variance in order to do this, and Mr. Gristy's over there he can address this. But this is the first time we've seen this project is when we asked for variance on it. The P&Z is aware, well this groups coming in, they think they want to put a housing development here okay. They do realize that's not really the best place to put a housing development, because our code says there's a hotel going to be right behind it or something like that.

Mayor Wheeler: So in addition to more items going in front of P&Z you would also like to see P&Z involved earlier in the process?

Councilmember McLeod: Earlier in the process so we're not just " Well are you going to approve this variance or not?" Well all the blueprints are done, everything's done and then P&Z sees it. That's not quite what happens but it can feel like that--

Councilmember Bradt: Lots of times as developers, excuse me, are on a fast track. We double up and have two public areas in one month just to get the thing in front of council. I mean there is outside pressure on that.

Mr. Smith: No you are absolutely right. It depends on what you are talking about, so when you say a building and the devil's in the detail in this. If somebody is wanting to put a building and they meet the zoning requirements and they're meeting all of our ordinance. I don't think that's what you are asking to go to planning and zoning. Because they have every legal right to build, as long as they are meeting all the ordinance and in the zone. So if we have a piece of property research force now 45. Let's use that as an example. It is zoned retail commercial. Woodlands Development Company shows up with a set of building plans that meets all of our ordinances and they're putting that building there that I think should not go to planning and zoning, because I don't know if we actually could do that, because they have every legal right to build it at that location. They're not asking for any exception.

The same situation except for they're coming and asking for vegetative buyout okay. Vegetative buyout is something that the council has done. Vegetative buyout is a council decision, but just like Jason said, there is nothing prohibiting the council from saying "Okay if it's anyone of these items we want a recommendation, or a thought process from planning and zoning". But I think you do run into some potential issues, and I haven't evaluated this either, that if they meet the zoning and they meet all of our building ordinance. They meet every ordinance we have. I don't think we have the right to tell a developer they need to go to planning and zoning.

Mayor Wheeler: No I would agree with that. What I would say is it would be nice to update planning and zoning, and say "Hey guess what's coming." You do a really good job at that from memory when I served on planning and zoning. Maybe we just need to do-

Mr. Smith: We can continue to do a better job on that-

Mayor Wheeler: -we just need to be more thoughtful.

Mr. Smith: And candidly, we use to have two planning and zoning meetings a month there for about 14-16 months straight. We were doubling up on every single thing. We were meeting on a regular basis. Now we're having planning and zoning meetings that have one item, and that's all they have. So some of it is the development is slowing down. I think as we start this process, going to a little bit what Ron said and a little bit what Ted said. Looking in the future I think we also need to look at the redevelopment situations. A lot of the IDC was written for redevelopment of Shenandoah. So as we get close to build-out which is happening quicker than later. It may be a good time to look at the IDC, and bits and pieces and make sure that the redevelopment is also covered, in the way that the city council, and planning and zoning wants it to be covered. We really haven't dealt with that portion of the IDC yet.

Councilmember McLeod: And that's one of the other issues is to create and opportunity, or to allow planning and zoning to be thinking about these more forward thinking longer term issues. How might the city look in 5 and 10 years, and what kind of things we want, and I think it's an excellent idea to have them start look at the IDC, and how that affects redevelopment. I want to see more of the planning. Let them do some of that.

Councilmember Bevers: Mike, I'd add that on specific developments, sometimes it's hard to get them in front of P&Z early, because they are still negotiating the purchase of that land. So they may not want to actually submit. They are usually pretty careful about actually giving the city formal

documents that then become open to record request. So there is that element to consider. I would like to see any development related item that comes before council, so trees, anything development related go to P&Z before it comes to us so we have their recommendation. And I think that starting with the comprehensive plan would be an easier step, and then we could move into the IDC. They're tied hand in hand.

Councilmember McLeod: Yes. I like that idea of having it passed through trees and vegetative buy outs and developmentally based. At least get P&Z's opinion on it. That's what we've asked them to do.

Councilmember Bevers: Yes. If we give our opinion before we hear them even if it's not an official vote it kind of cuts the legs off from under them as a body.

Mr. Smith: So if I understand everything correctly, if council will allow us. I can start working on a document, that's just a draft, talking about all the issues that this council would like to go in front of the planning and zoning. And start trying to make a comprehensive list, present it to council. We can always talk about it and then slowly but surely, do just what we said. We start with the comprehensive plan first, great idea. We can do that and then get into, at the same time staff would work on the issues with the IDC that we have come across that. Bill has a laundry list of flag notes in the IDC that we need to address, and we can work simultaneously on trying to come up with the best course of action to get this implemented.

Councilmember Fletcher: I would like to see the MDD part of the comprehensive plan part of it as well.

Mr. Smith: Okay. There's nothing that prevents this council from having a joint meeting with multiple entities. I think it's going to be just a little bit tricky since two of the members are on city council and MDD. It can be done and I think we can certainly arrange it.

Mr. Frazer: Be careful too because the agenda item is only about planning and zoning.

Mr. Smith: Okay. Sorry about that.

Councilmember Bevers: So Dean and Renee does that sound like a good plan to you all?

Mr. Gristy: Yes

Councilmember Bevers: Sounds good to me.

20. Consideration regarding a proposal for a joint meeting with Planning and Zoning. (3:08:29)

Mayor: Okay. Unless anybody else got something else let's move on to item 20 which is ironically, a consideration regarding a proposal for a joint meeting with Planning and Zoning which we just talked about that.

Councilmember McLeod: So yes I would definitely like to see that. I think we can schedule that to make early fall.

Councilmember Bradt: I find we can go on further and say two a year.

Councilmember McLeod: Okay. I'd be good with two a year.

Councilmember Fletcher: I'm just saying I would like to add the MDD to that

Mayor Wheeler: It's not part of the agenda.

Councilmember McLeod: I definitely think there are some benefits to having--we sort of did this a couple years ago when it was in the middle of a budget workshop and I think maybe you were the only one who showed up, and it was kind of one of those like it didn't end up coordinating well, because of timing and scheduling and maybe.

Councilmember Bradt: You mean we're in the middle of the day.

Councilmember McLeod: We're in the middle of the day and it didn't really work out to have a meeting and partly they were also in the middle of budget and so it really needs to be its own just a regular schedule. I would think early fall would be a good time to schedule that.

Mayor Wheeler: So if the staff could come up with a couple of dates maybe.

Mr. Smith: We would send a doodle out to everybody.

21. Consideration regarding the presence and operation of unregulated hotels within the residential area of Shenandoah. (3:09:47)

Mayor Wheeler: Okay. Item 21, consideration regarding the presence and operations of unregulated hotels within the residential area of Shenandoah. Think this one's Mr. McLeod, if you'd like to kick it off.

Councilmember McLeod: So, we know right now there's ever homes being used as a rent-by-night hotels. And I bring this forward, because we need to, as a Council, I think it's time we start looking at that, and how we want to handle that. Some cities have- and this is where we're going to need legal opinion, because there's some of the stuff that's still very much up in here. Some cities and I may be mistaken, but I think Austin's one, has basically effectively banned the unhosted housing, and are continuing to allow hosted housing. Other cities have banned the practice altogether. Other cities have entered into agreements and such that they will be collecting hotel-motel taxes. I'd bring this forward just to mostly make Council aware that it's going on, that we do have that happening in our neighborhoods and in our residential neighborhoods, and open it up either for discussion or to just ask legal counsel to come up with some different possible solutions.

Councilmember Bradt: Good. Now Jason, I'm going to-- in your thought, I'm thinking if I've got a four bedroom house the family has moved out and I've got two bedrooms that I could lease, that normally would have someone in it anyways. And I did a bed and breakfast or something of that nature. I don't know how I did it and what you'd say. Would that constitute my residence as a hotel?

Mr. Frazer: Well, you basically are making a revenue stream off of your house, so it could be considered a business at that point and time. Council member McLeod's is correct-

Councilmember Bradt: -Like a daycare too, you know.

Mr. Frazer: Same thing, I mean-

Councilmember Raymaker: I mean you can lease a house as well.

Mr. Frazer: Yeah. Council member McLeod's correct. This is a very very hot item all over the country. I sit on another board where we actually just enacted a policy about this within an HOA here in the Woodlands, absolutely virtually prohibiting it. So it's a-

Councilmember Bradt: They've got four going on right now or whatever they said, they'd be grandfathered.

Mr. Frazer: Not necessarily.

Councilmember Bradt: Okay.

Mr. Frazer: There's a lot more to it from an ordinance standpoint than just a two-minute conversation, but yes. It is wholly within this Council's authority to look at this, and put a resolution around it. You can regulate it, you can prohibit it, with certain guidelines. You have a wide tranche of ways to deal with this. I would say from a legal side it would be who of you to get ahead of it because it's only going to become more and more of an issue. I think it's something that this Council should consider, obviously Bill or myself, or the firm would be happy to provide some options to Council, if that's what you would like to do.

Councilmember McLeod: We're specifically asking for that and I would be specifically asking for legal direction. Looking at what some of the other cities in Texas have done, I know TML's got a pamphlet out on it, and a web page kind of thing, so-

Councilmember Raymaker: I was kind of curious about the-- is it a house that the owner's living in it, and leasing the rooms out or is it totally empty except for leasing the rooms out? I don't understand.

Mayor Wheeler: So, we have three right now. On Airbnb.

Councilmember McLeod: I think we counted-- So we count seven?

Mr. Smith: Yeah. So, during the Super Bowl's when this first came up in there. I think there was like 10 or 12 during Super Bowl. I think CVB has-

Ms. Calvert: We counted six that I remember.

Mr. Smith: At Super Bowl?

Ms. Calvert: Mmm-hmmm...

Mr. Smith: So, it's around about six, most of what I think we've got two different issues here. I think you have the short-term rentals like an Airbnb. So somebody staying during ironman, and you basically vacate your house, and somebody gets to come live in your house for a weekend, a week, a month, or something like that as an Airbnb. I think that is one issue. I think the other issue is what Charlie was talking about where, I have a five bedroom house, and I want to rent out the top half of my house to an individual, to basically live in my house with me. I think that's a different situation than the Airbnb situation, where they're coming in and renting a room, or renting the house for an event.

Councilmember Bradt: And that'd still be a revenue stream.

Mr. Smith: I think they're too independent.

Councilmember Bradt: Or some like could pay half the mortgage.

Mr. Frazer: Yeah. You need to look at the short term. That's the talk about though. One night, two nights.

Councilmember Bradt: How about an exchange student?

Mr. Smith: I don't think you charge exchange students rent. I may be wrong, I don't think you charge exchange students rent.

Councilmember Bradt: But we're not talking about the revenue, we're talking about-

Mr. Frazer: I think that's a guest in your home, and you're entitled to a guest in your home. If that's what council wants, I will get with Bill and we can kinda give you a survey of what's being done across the country, if you will. Some talking points that this council can go from and I think it's going to be a multiple meeting type of a situation, as you drill down to what this council would like to do.

Mayor Wheeler: I can tell you as somebody who's used Airbnb regularly, I have a hard time telling somebody what they can do with their own personal house, to all things within moderation.

Councilmember McLeod: We're telling them how short they can cut their grass.

Mayor Wheeler: Within moderation. I'm not interested in somebody having an empty house, if they're renting out every single night. But having said that, at the same time, the occasional Airbnb hosting, I have a hard time getting too far into that but that's just my-

Councilmember Bevers: Have there been problems? I mean other than potentially a little bit lost the hotel-motel tax?

Mr. Smith: I know of no issues that have come about through the police department, or any other operation of the city by any of the Airbnbs.

Chief Shaw: We haven't had anything that stood out?

Councilmember McLeod: Yeah, it's more or one of these get ahead of it, because there's more and more people using it. And thinking about it as a council do we care? Do the hotels care the people are using unregulated untaxed service in our area?

This is all parts of the discussion. Do you want to get ahead of it, do you want to create to split things like- and again I believe it's Austin that says, "If you're hosting it, and you're physically staying in the home, then it's okay. But if you leave the home it's not okay." I believe that's the way they've taken their ordinance. That's just part of discussion. I really want to make Council aware of it, and then specifically ask for legal opinion about what everybody's doing, how other Texas cities are handling this.

Mayor Wheeler: Okay. Anything else on that?

22. Consideration and possible action regarding City Council committee appointments:
(3:17:43)

- a) Parks and Recreation Committee
- b) Policy Committee
- c) Internet Committee

Mayor Wheeler: If not we will move into item 22, which is consideration of possible action regarding City Council Committee appointments.

Mr. Smith: So council you see three committees that we have vacant positions that need Council appointments. First one is Park and Rec. Committee. We need one member. Second one is Policy Committee, we need two members. And the third one is the Internet Committee, otherwise also known as fiber-to-home, and we need one member for that.

Mayor Wheeler: So let's take these one at a time. But we'll start with Parks and Recreation Committee. Do I have a motion, for one position for the Parks and Recreation Committee?

Don't everybody talk at once. Anybody interested?

Councilmember Bradt: Do we have any applications?

Mayor Wheeler: Well this is for council. It's one of us.

Councilmember Raymaker: Well kind of over-arching to all this, is I know that there's been some concern we have almost too many committees. And when I look over the Policy Committee, I can go back specifically to when we were talking about contract type issues, and a lot of people didn't have input on that, and limiting it to two persons potentially does that. I think that when it comes to policy that a lot more of us would like to have some input on that. And limiting it to two people, just doesn't seem to be the optimal thing to do.

Mayor Wheeler: Are you suggesting the same thing applies to the Parks and Recreation Committee and the Internet Committee?

Councilmember McLeod: The Parks and Recreation is put together mostly as a bunch of citizens. The guidelines from the council was to help bring information back to council. And the reason it's as large as it is, is I think to avoid this slanting. And it's been really good. I think it's been very effective.

Is there one of you who would like to serve with me on Parks and Recreation?

Councilmember Fletcher: My mom actually serves on that committee so I wouldn't be able to. Just kidding.

Councilmember McLeod: Byron you got kids.

Councilmember Bevers: Yes. Honestly, similar to the Charter Committee.

Councilmember Raymaker: One of you new guys.

Councilmember Bevers: I'd like to reassess all the committees. Do we want to continue down this path? We don't necessarily have to.

Mayor Wheeler: That is a different item, but even the committees are different in their makeup. This particular one has residents on it so that we are equipped.

Councilmember Raymaker: I know this would be probably a different way of thinking but parks and recreation and the civic club almost all go together, don't they?

Mr. Frazer: Council, this is an agenda item to appoint, not to discuss whether we want these committees or to continue forward.

Councilmember McLeod: Good point.

Councilmember Bevers: I'd say the first of that committee is capable of continuing to move without an appointment. Policy Committee...we've got lots of discussions. There's been enough people with a lot of input that it's probably going to be impractical to get a final resolution. Just two positions from the council, and the internet committee...I have no experience or expertise to offer on that.

Councilmember McLeod: Actually the internet committee...I have asked John Houston, he has agreed to remain on that committee. We are really at the point of-- I'm hoping in the next couple of weeks, we are either going to come back to council with a rough proposal. We are going to come back to council and say, "This idea is totally dead new order." If council agrees, that would be my recommendation is to allow John Houston to finish that and continue and finish this committee.

Councilmember Bevers: How then do we appoint Mr. Houston and we leave the others alone?

Councilmember Raymaker: He's not a city council member.

Councilmember McLeod: My suggestion is that we don't change that committee. We leave that committee exactly as it is. I make a motion that we leave the internet committee as it's listed.

Councilmember Fletcher: Let me ask Mr. Frazer, if we don't make any appointments all the committee stays as is, is that correct?

Mr. Frazer: That would be past city practices. You stay in your current role until such time as your replacement is appointed.

I don't believe that these committees actually have former charters but just following past action of the city that would be practice.

Councilmember Fletcher: I would vote that this point that we don't make any appointments. Just cancel and leave it the way it is.

Councilmember McLeod: Would you ask that we dissolve the policy committee then?

Mr. Frazer: You cannot do that--

Councilmember Byron: I would second that. I would add that we have a future agenda item to assess what committees we find important and what the purpose and goals of the committees are.

Mayor Wheeler: Okay, somebody made a motion and I'm not sure what it was and who it was.

Councilmember Fletcher: I motioned to make no change to the committees at this point.

Mayor Wheeler: Okay, Councilman Fletcher made a motion to make no committee appointments. Do we have a second?

Councilmember Bevers: Yes, I'll second.

Mayor Wheeler: Council Bevers seconded. Do we have any discussion? Okay, all in favor?

Council: Aye

Mayor Wheeler: Any opposed? Motion carries 5-0 to not make any appointments.

23. CITIZENS FORUM (3:24:05)

Mayor Wheeler: Moving into item 23 which is our second citizens' form. Citizens are invited to speak for three minutes.

Councilmember Bradt: We have somebody else.

Mayor Wheeler: We did have one person, Robert Mack who asked to speak on private at home. Mr. Mack.

Mr. Mack: Good. Robert Mack, 29209 Cedarwood Drive and yes, my concern is we came here a year and a half ago to hear about fiber for home. I got the junkiest internet connection in the world. I'm at the end of AT&T's line. The cable company's line lies in my backyard half the year because they don't service it and I would just like somebody at least put on the website, "Yes, we are going to make progress. Something's going to happen."

Or we allow some other cable company to come and provide something, other than a telephone line that's 5,700 feet from a local connection and my internet is kinda marginal when it works. That was my problem. Thank you and welcome to the city council for the new guys.

Mayor Wheeler: Thank you, Mr. Mack.

24. City Administrator comments (3:25:20)

Mayor Wheeler: Let's move into item 24 which is city administrator comments.

Mr. Smith: I only have one and I would respond to Mr. Mack's statement. Mike mentioned this briefly. The contract negotiations are ongoing and Mike is absolutely correct. We are at a point that we will have a recommendation to the council quickly or this will not go. The reason why it will not go is because we just cannot come to contractual agreement with the contractor which was the sole provider. The second statement that

The second statement that Mr. Mack made is absolutely correct. We have sporadic and spotty internet service based off of who and where you live. It is to my understanding a free market. It's an unregulated market so if any resident or enough residents get together, any company can provide internet service to any home inside the city limits. It is not a regulated situation that the city says, "Yes, you can," or "No, you can't, or "Yes, you have to," and, "Don't." It is truly a market-driven decision that the individual providers provide. With that we are again, I can assure you, Mr. Mack, there has been multiple emails. I agree with you wholeheartedly. We've been at this a year. We went out for the RFQ, we took a lot of time dealing with the RFQ, we've spent a lot of time getting the document ready and have presented it and we are working through hopefully, the final details

so we can present a plan to the council for their consideration to act one way or the other for fiber at home. I have no other comments.

Councilmember Bradt: To clarify what you are saying--

Mayor Wheeler: That's city administrator, let's move into council inquiry.

Councilmember Bradt: Okay.

Mr. Smith: Charlie, you know that.

Mayor Wheeler: So, we'll start with Councilman Bradt.

Councilmember Bradt: I have two. I wanted to clarify that the Silverwood Greg has Xfinity and Comcast basically. The Valley has Charter which like Mr. Mark says is less than deserved. They've lost many customers. I see more TV things, dishes, between dish and Greg TV and Shenandoah houses and every subdivision. You are saying then that the Xfinity could come into the valley?

Mr. Smith: Yes, sir.

Councilmember Bradt: Now, Charter came in on the Gulf States poles which is Entergy right now. They could just-- Is there any lease, any legal?

Councilmember Bradt: Because they're not going to go underground.

Mr. Smith: They might. There are actually have been some utility companies, a new one just went into Silverwood and they did go underground. I don't remember who it was that went in there. It may have been--

Councilmember Bevers: Tachus.

Mr. Smith: No, there's been either Comcast or--

Councilmember Raymaker: Xfinity did before Comcast did.

Mr. Smith: Yes, we just-- Kenny who was it?

Mr. Eickelberg: It was Comcast over at Silverwood about six months ago...

Mr. Smith: Yes, so Comcast went over there and did underground. To answer the question, do they have access to the utility poles? I believe any public utility can gain access as long as they need to introduce the requirements of their distance and stuff like that.

Councilmember Bradt: It won't violate any of our franchise agreements?

Mr. Smith: There is no franchise agreement dealing with internet. The state took that away several years ago.

Councilmember Bradt: Second thing I have is, I was contacted by State Representative Toth to meet with him and I've set up a meeting with tomorrow. I just want to inform council. I don't know what it's going to become of it, but I've set up that meeting. I'm intrigued and pleased that he reached out to me.

Mr. Smith: For clarification, are you talking about Steve Toth-

Councilmember Bradt: Steve Toth.

Mr. Smith: -who's currently has---entered his name to potentially be the state...

Councilmember Bradt: Right.

Mr. Smith: I just want to make sure you weren't talking about--

Councilmember Bradt: No, I said it wrong. I just wanted to. Thanks for the correction. That's all I got.

Mayor Wheeler: We go back over to Councilman McLeod

Councilmember McLeod: I have actually met Steve. We had some good discussion. I want to give big kudos to the city administrator and our police officers, Sunday morning, my neighbor's truck was stolen, they responded, they were professional and on the spot. The vehicle was actually recovered, our officers actually assisted in recovery, in letting my neighbor recover that vehicle and so that's back. Their vehicle is back safe and sound so I just want to give some big kudos to our police officers for taking care of that.

Just great job and my neighbor asked me to pass along her thanks for you guys and all your help, all your professionalism and understanding. On that note, I don't know where we are on the budget and where we are in requesting things. I would like us to go ahead and we've talked about it for several years to go ahead and look at pricing to get license plate readers installed at all the entrances and all the police cars. For the budget, like I said I don't know where you're at with that but I'd like to see at least the prices on that.

Mr. Smith: So, there is a capital request form by PD to put them on some cars, we would modify that to get prices to do it all on entrances. I'm assuming when you say police cars all police cars so they all have them, it's continuous. We can get that price.

Councilmember McLeod: The ones you need for patrol.

Mr. Smith: That would be all of our patrol vehicles because they rotate them in and out. We can get that price for all of that. It probably might be ready to be done by July 3rd but if not, we'd definitely have it before we go to the budget workshop.

Mayor Wheeler: Councilman Bevers.

Councilmember Bevers: On the fiber to the home committee, Greg, if we are unable to reach a negotiation that we like, I assume it would come back so they'll be some public finality that we're putting this project to bed.

Mr. Smith: Absolutely.

Councilmember Bevers: Second, I would like us to consider a resolution support of the Johnson and Mitchell families with them as our neighbors, hopefully the next meeting.

Mr. Smith: You have anything particular you want to say because I don't think we have any draft of support for families under these conditions? I don't want to be asking staff to draw something up that may not be appropriate since it's dealing with the loss of children.

Councilmember Bevers: The main thing is that we're their neighbors and that we stand by them. Hopefully, Bill can come up with something. If not, I'd be happy to talk to Bill.

Mayor Wheeler: He won't be at the next meeting either, correct? You'd be at the next meeting?

Mr. Frazier: Greg had mentioned that earlier but I had not heard that yet so.

Mayor Wheeler: You might want to give a swag at it.

Mr. Smith: So you know, I've looked over his-- He just booked a flight to go somewhere during our last council meeting.

Mayor Wheeler: Is that it? Councilman Fletcher.

Councilmember Fletcher: I have a couple of things. One, I know that when we had our employee appreciation night that we had one employee that the plaque didn't come in for her five years so I'd like to invite her to our next council meeting to where we can present that plaque to her and recognize her for her service to our city.

Mayor Wheeler: Do we have it that quickly, Greg, or will we have it that quickly?

Mr. Smith: I will verify, I know it's been ordered so I would assume that we would be able to have it in two weeks.

Councilmember Fletcher: Also, a couple of things; I've had several residents come to me that have some pretty serious concerns regarding the Toddler Park. I know that this has been addressed in the past but no action has been taken. I'd like to see it come on our agenda next meeting to discuss and take action regarding the fence in the Public Park for the safety of our turf.

Councilmember Bevers: I'd support that.

Councilmember Fletcher: Also, I've had several residents that have approached me in regards to Dog Park. We need to start talking about a Dog Park as well. If we can get that on an agenda item as well, especially since we have budget coming up. I know this next one is been on an agenda items but I don't think there's been any action taken. If we get it back on an agenda item with action regarding backdoor trash service, we're looking at water rates.

I know that that's a cost to every homeowner, not every home owner uses back door so that there are several homeowners that need this service and they shouldn't be denied this service. Specifically, those that are disabled or elderly. I personally don't need backdoor service. I can take my own trash out. For most people in the city, though part of being a good neighbor is that if they see somebody in need, they're going to take their neighbors trash out, but that it should be something that we look at a little bit closer as well.

I know it's been said several times but since maybe not in an official capacity. Let me see if we can get in on the agenda item official capacity. I used to get a special joint session with the MDD, Planning and Zoning, for the purposes of looking at a comprehensive development plan, so we really

can begin to plan for the last bit of items that we have in the bill out. The important part of that is that everybody's on the same page and they stay on the same page.

We've got comprehensive plans in the past and unfortunately, the problem is not everybody stays on task with that plan. It'd be a good idea for all of us to come together. I know the MDD has a lot of plans already. It'll be good for the council to be brought up to date on those plans as well as in the process of looking at that comprehensive plan in the future. It's all I have tonight.

Mayor Wheeler: Councilman Raymaker.

Councilmember Raymaker: When are the budget books coming out?

Mr. Smith: They are scheduled to come out I think July 5th.

Councilmember Raymaker: Also, Kathie, would you be able to put out draft agendas as the items come together and just send them to city council members? I promise not to confuse it to be the final one.

Ms. Reyer: We've been doing that the day before release.

Councilmember Raymaker: Is there anything I can get maybe earlier than that? If nobody else is interested, that's fine but I would be as they come available. At least I would have the visibility that I'm looking for.

Mr. Smith: Agenda items are due 8:00 AM Wednesday morning so we start putting together a draft agenda on Wednesday. I would be honest with this statement; we have typically tried to talk to the mayor before we make any agendas available to anybody but that is certainly something that we can change. Wednesday is when everything is due to us.

Councilmember Raymaker: Yes, I would just appreciate having that much foresight.

Mr. Smith: Okay.

Mayor Wheeler: The challenge there Ron, and I'm not trying to stifle anybody from getting the agenda ahead of time. If everybody decides they want to start seeing the agenda as it's being drafted, and we start getting everybody wants to throw their two cents in on what the agenda needs to be prior to really planning it out, the problem is we end up in a five-hour meeting. One of the things we try to do is we try to prioritize that agenda as we go.

What Greg's trying to say is that by giving you that draft agenda one day early before it goes out and everybody getting at the same time, that should be enough lead time if you have some questions about it. What we're trying to keep from doing is everybody is just chunking every idea they have into the agenda all at once.

Councilmember Raymaker: I don't really think that has anything with chunking anything together. It just has to do with having visibility as to what's coming. If we were working out a plan or there were items that were coming up, you'd like to know what the backlog is that you're looking at and if you compare that down for the final agenda, but just to have an idea of what the backlog is that we're dealing with.

Mayor Wheeler: Point taken. Anything else?

Councilmember Raymaker: Nothing's going to happen?

Mayor Wheeler: I don't to make the decision right here right now but yes, point taken.

Councilmember Raymaker: Then, I also like to thank the ladies that came out for the Civic Club and did the inaugural, "Too Cool For School". They did a nice job. That's it.

Councilmember McLeod: I have one more thing.

Mayor Wheeler: Okay.

Councilmember McLeod: I did want to congratulate our Sharks. This year the, "Swim 4 Sharks" was for cystic fibrosis. They've raised almost \$7,000. The final numbers aren't in yet and 100% of that is, this year went usually in past years and that gets split between the team and the charity. This year, they decided to donate a 100% of that to the Rock Cystic Fibrosis Foundation.

This is your hometown Senator Sharks. Doing this city really proud, taking care of our community. Every year they've been doing that. Raising money for local charities and local groups. This year, the foundation it's Rock CF and Rock Cystic Fibrosis. I just want to congratulate them raising almost \$7,000.

Mayor Wheeler: Very nice, very nice. Okay, nobody is saying anything else. I'll wrap it up by saying, I spent some time with each of the department heads today going over budgets. I thoroughly enjoyed getting to hear from them about their budgets that all of them did a phenomenal job, well prepared. Obviously, this was just the first of several stages but getting the look behind the curtain, so to speak, and see how department heads go into preparation for the budget.

You guys would be really proud with the work they have put into it and how thoughtful they are. I for one, just again want to say that I really appreciate the work they all put into that. Well done. Other than that if that's it Mr. Big guy, anything else?

EXECUTIVE SESSION

Mayor Wheeler: We will move into executive session at 9:45 on matters regarding deliberation regarding economic development negotiations, deliberation regarding real property and personal matters on the city administrators 2017 goals. If we take any in the act resulting in the items we will state, record.

Mayor Wheeler: Are we ready? All right, we will resume the regular meeting at 10:20, no action was taken in the executive session. However, item three which is City Administrator's goals has been requested to be pulled out of the executive session into open council. Since we've never done that before, I don't know where to go from here other than just dig right into it. Who wants to go?

Councilmember Raymaker: What's the purpose? What are we doing? Is this a review? I thought this---was goal setting or reviewing the goals for the new members. I have no idea what we're doing.

Councilmember Bevers: I requested to be on here so I'll start. My intent was that since we have three new members that we could all be on the same page and if there was adjustment needed that we could make that adjustment in plenty of time leading up to the end of this evaluation period. I don't have specific comments and I would say that I believe these goals are inadequate for your position Greg.

I think that an example of that is that the finalized plans for the east side detention pond is a single capital improvement which really seems like within the scope of Kenny's role, in that giving a 5-year comprehensive capital improvement plan would be a better goal for the City Administrator's role. There are some other ones, standardized email signature for all employees across devices. I just think that this is an inadequate role for you Greg given your position, that's really my comments right now.

Mayor Wheeler: Anybody else?

Councilmember Raymaker: Are you suggesting then that we should modify them?

Councilmember Bevers: We should consider it. We had a 50% change over in council. I definitely think this could be the launching point of considering a change for modification.

Councilmember Raymaker: Well, I would agree because most of the goals are not anything that I had suggested.

Mr. Smith: There is one more goal on the second page.

Mayor Wheeler: That actually is the one you suggested, Ron.

Councilmember Raymaker: Well, I don't know that that was. Let me say this. This document is the first time that I have seen what came out of the committee that wrote the goals. This is the first I saw of it. What is the document on the screen right now?

Mr. Smith: That is the goals portion of my evaluation.

Councilmember Bevers: I don't believe that I have seen this document. I don't think this is what you send us.

Mr. Smith: This is not what I've sent you. This is what was requested by Mr. Fletcher to see the goals.

Councilmember Bevers: You sent us a memo I took that to believe that we're looking at the goals. I may have misunderstood that and I'm definitely not prepared to talk about your goals if I haven't seen them.

Councilmember Bradt: The document on May 23rd that you send out your annual evaluation goals is not what I'm seeing here.

Mr. Smith: Yes. What I sent out to the council was each one of these goals. Excuse me if you could go back to the first page, Kathie. The first goal was sent out, several dealing with the succession plan was sent out previously to May 23rd. I don't remember the date. I sent it to the entire council giving you the succession plan. That goal was met.

Councilmember Bevers: I don't think I've seen a succession plan.

Mr. Smith: It was sent prior to your election. I'd be glad to send it to you.

Councilmember Bevers: I vote we should table this and then we put it on an open agenda and we see the goals so we can actually have a discussion about it.

Councilmember Fletcher: In the memo that you sent out, it says you know there's five goals for the current year. I only saw three that were presented so there's two others that are on the memo that you had sent us. I'd definitely like to see this.

Mr. Smith: When the email was sent out, it was prior to the three new council members sworn in. That was sent as -- Chris had already set up the group so you would start receiving information after you were elected before you were sworn in. That memo was drafted to the city council that address all the goals that had not yet been documented that needed to be documented.

Such as continued feasibility studies and inquiries as they relate to the special event center. This is dependent upon state legislation. I documented what we had done and where we were with the state legislation. It's not over because it is still moving forward and you will see more agenda items on that. Second, once is finalize plans for east side detention pond by the end of the second quarter 2017, I sent you the plans for the detention pond as was approved by MDD. That's why that was sent out.

Our succession plan was sent out earlier. I will certainly send it to the three new council members without a problem. Number four, establish recommendations for city buildout as projected for the next five years. Expected presentation by the second quarter of 2017. This includes infrastructure, staffing, strategic plans for existing property. Identify the use and the strategic plan for each of those open properties that we thought would be developed in five years, and also included all the infrastructure that was identified by staff as well as the staffing as requested by staff.

We had a large staff meeting dealing with that and each department head submitted their information to me to help establish that. The last one is, develop continuous improvement process from the top down. All employees shall consistently work on process improvements to create and execute city administrators responsible for a minimum of three document process improvements over the next review period. I believe I sent you documentation of eight that I have accomplished at this point in time. Process improvements, that's what was sent to everybody.

Councilmember Bradt: I've got nothing to say because...

Councilmember Fletcher: If we got both what was shown up here and the memo would made a lot more sense to us. I'm not sure why this was withheld for any reason. I'm not saying it was withheld purposely I'm just saying that it would of made more sense to us in the process of looking at it. I would like to get a copy of that if available.

Mr. Smith: Absolutely, that's public record. I'll get it to you without any-- We can make a copy tonight for you.

Councilmember Raymaker: This was the weakness of having the policy committee was that we didn't get to see the final word product that came out of the policy committee until we got this on the 23rd.

Councilmember Bevers: That was my motion, Chris.

Councilmember Fletcher: I'll second the motion.

Mr. Frazer: Was that your motion to table this item -- was that correct, Mike?

Councilmember Bevers: Bring it back on an open agenda.

Mr. Smith: That will still be my decision whether it's open or closed.

Councilmember Bevers: It's our decision we can make it on an open agenda. Jason, you can chime in.

Mr. Frazer: I'm sorry what was that?

Councilmember Bevers: We can certainly wait to get that. Whether council can have this on open agenda or not.

Mr. Smith: I think it's my choice.

Mr. Frazer: I believe it's Greg's choice.

Councilmember Bevers: I think that's incorrect but we can take a look at it.

Councilmember Raymaker: Are you talking about a review or goal setting?

Councilmember Bevers: Well, I'd like to see the goals. It's hard for me to say what I want to accomplish without having seen the goals. The first step is starting with reviewing the goals.

Mayor Wheeler: Which is this document here?

Councilmember Bevers: Yes.

Mayor Wheeler: You just want this sent to everybody?

Councilmember Bevers: Yes.

Mayor Wheeler: Can we get this document sent to everybody. You don't have to print it off can you just send it via--

Mr. Smith: It will be sent out tonight. Send it out tonight to everybody.

Mayor Wheeler: We need to think about if you're going to put this on a future agenda so that we're not all sitting here staring at each other wondering what we're talking about. What is it that we're trying to accomplish when we put this on the next agenda. What is it we're asking and I got to tell you. If we're asking to change the goals I'll go ahead and ask now the city attorney or the acting city attorney is that even possible changing somebody's goals midstream mid-year?

Mr. Frazer: Technically it's possible. I don't think it's a good practice. I believe goals were set, Greg has acted on the goals. It's during review process to decide, "Did he meet the goals or didn't he?" That he was given for the given year, and in the next review, this council can certainly eligible to set

different goals if they feel these were inadequate. I also believe that the council could certainly give directive to Greg of what they're thinking is inadequate in here right now and say in the next six months, "Here's what we want you to work on." To back a revise what was done and signed off on by a prior council. That gets into a gray area.

Councilmember Bevers: My whole point is that we had a 50% change in the policy-making board of the city and if the city administrator is going down a different path because of goals set by a previous policy board. We should address that as soon as possible. I'm not saying that any of the goals would change. I thought I had seen the goals but in fact, I haven't seen the goals. I can't say what changes would come about if any. I think that being reasonable people, we would take into consideration there's about a six month process, or six month period left.

Mr. Frazer: That's all I'm saying, Byron. To build on what the Mayor said, Greg said he'll send them out. Once he sends them out, if you guys want to bring it back, then that's a decision that needs to be made at that time. If you all look at it and decide there is nothing to discuss, or you want to talk about something totally new, well, that's when agenda items work. We want the city to move in this direction.

Mayor Wheeler: Yes, and I wasn't saying not to bring it back. Just let's know what we're being back to talk about.

Councilmember Bradt: Right now it's apples and oranges.

Mr. Frazer: Right.

Councilmember Bevers: That's fine I'll withdraw my motion and say we'll get this.

Councilmember Bradt: Withdraw the second.

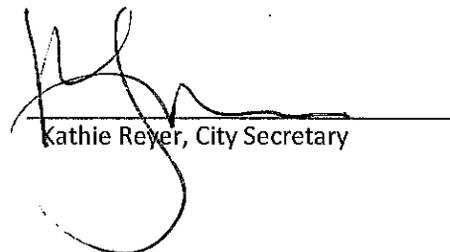
Councilmember Bevers: We'll address it if needed in the future.

Councilmember Bradt: True. Very good.

Mayor Wheeler: Good. Meeting adjourned.

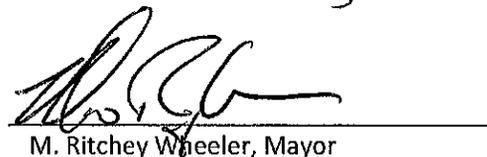
The meeting was adjourned at 10:32pm.

SUBMITTED BY:


Kathie Reyer, City Secretary

DATE APPROVED:

July 26, 2017


M. Ritchey Wheeler, Mayor