AGENDA
HALTOM CITY COUNCIL MEETING
February 11, 2019 - CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session – 6:00 P.M./Regular Session – 7:00 P.M.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)
VISITORS/CITIZENS FORUM
This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker’s Request Form to the City Secretary and follow the instructions listed on the form. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.

- Fathom Audit Report – Rex Phelps, Sidonna Foust.
- Review and discuss items on the regular agenda of February 11, 2019.

EXECUTIVE SESSION
Chapter 551 of the Texas Government Code
As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:
Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, code of ethics and conflicts of interest, city charter limitations, dissolution/restructuring of the Haltom City EDC, Chapter 380 Agreement with Haltom Hospitality, LLC, selection process for design/construction of Fire Station 3, amending and repealing city ordinances and pending litigation and settlement offers for the following cases:

- Flynn v. Haltom City EDC
- James H. Watson v. City of Haltom City
- Ray Beshirs v. City of Haltom City
- Amer Ozzie v. City of Haltom City
- Joe Williamson v. City of Haltom City
- Nicklaus Forrest v. City of Haltom City
- John Summers v. City of Haltom City
- Skyline Mobile Home Park v. Haltom City

Section 551.072 – Deliberations about Real Property
Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER
INVOCATION/PLEDGE OF ALLEGIANCE – Council Member Walter Grow
ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho
PRESENTATION – “Creative Technical Education Month” – HHS DECA, Anthony Deleon

CONSENT AGENDA
1. Minutes – Consideration and/or action regarding approval of the Minutes of the Special Meeting of January 21, 2019 and the Regular Meeting of January 28, 2019. (A. Camacho)
2. Ordinance No. O-2019-004-15 (CU-015-18) – Consideration and/or action regarding the application of Steven Westfall for approval of a Conditional Use Permit for automobile and light truck repair shop and vehicle storage facility in the “M-2” Heavy Industrial District located on Lot 16 & 17, Block 4 of the Parkdale Gardens Addition, being approximately 0.6904 acres on the west side of Delante Avenue, locally known as 2333 Delante Avenue. 2nd reading (G. Batchelor)
REGULAR AGENDA

3. **Ordinance No. O-2019-003-01** – Consideration and/or action regarding calling a special election to be held on May 4, 2019 for the purpose of submitting charter amendments to the voters. **2nd Reading.** (S. Chapman and City Attorney A. Kreh)


5. **Ordinance No. O-2019-005-03** – Consideration and/or action to authorize the issuance of "City of Haltom City, Texas General Obligation Bonds, Series 2019;" levying a continuing direct annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and an official bid form; complying with the provisions of the depository trust company’s letter of representations; authorizing the execution of any necessary engagement agreements with the city’s financial advisors and/or bond counsel; and providing an effective date. **First and only reading.** (J. Fung)

6. **Facilities Amendment Agreement** – Consideration and/or action to approve Amendment No. 1 to the Facilities Agreement for the IDEA Public Schools Addition: Lot 1 of Block A. **(G. Van Nieuwenhuize)**

7. **Construction Manager At Risk** – Consideration and/or action to approve the Construction Manager at Risk project delivery method for the construction of Fire Station No. 3. **(K. Fisher)**

8. **Award Engineering Agreement** – Award of RFQ No. 2018-312-002 – Consideration and/or action to award an engineering agreement for the Meacham Boulevard Reconstruction Project. **(G. Van Nieuwenhuize)**

9. **Assignment – Various Projects** – Consideration and/or action to approve an Assignment of an existing engineering agreement and to award an engineering agreement for Various Water and Sanitary Sewer Projects. **(G. Van Nieuwenhuize)**

CITY STAFF REPORTS

10. Staff Report to Council/citizens from inquiries from Visitor/Citizen Forum.

FUTURE AGENDA ITEMS

11. Discussion on items to be placed on future agendas.

BOARDS/COMMISSIONS/COMMITTEES

12. **Resignations of Board/Commissions/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members.

13. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees.

EXCUSED ABSENCE OF COUNCIL MEMBERS

14. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

EXECUTIVE SESSION

See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

15. Take any action deemed necessary as a result of the Executive Session.
ADJOURNMENT

CERTIFICATION

I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 8th DAY OF FEBRUARY 2019 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

ART CAMACHO, CITY SECRETARY

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON ________ DAY OF _____________________________, 2019.

Name:____________________________________________  Title: ________________________________________________

This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.
CITY COUNCIL MEMORANDUM

City Council Meeting: February 11, 2019
Department: City Secretary

BACKGROUND
A Special Meeting was held January 21, 2019 and a Regular Meeting on January 28, 2019 at City Hall, 5024 Broadway Avenue.

FISCAL IMPACT
None.

RECOMMENDATION
Staff recommends the City Council approve the Minutes of January 21, 2019 and January 28, 2019

ATTACHMENTS
Minutes of January 21, 2019 and January 28, 2019
A Special Meeting of the City Council of Haltom City was held on January 21, 2019, at 6:00 p.m. at the Haltom City Hall, 5204 Broadway Avenue, Haltom City, Texas, with the following members present, to-wit:

Mayor David Averitt  
Council Place 1 Jeannine Nunn  
Council Place 3 Lin Thompson  
Council Place 5 Bob Watkins  
Mayor Pro-Tem An Truong  
Council Place 2 Walter Grow  
Council Place 4 Brent Weast  
Council Place 6 Ricky Brown

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Wayne Olson, City Attorney; Alicia Kreh, City Attorney; Art Camacho, City Secretary; Toni Beckett, Human Resources and Risk Management Director; and Brian Jacobs, Fire Chief. Civil Service Commission Chair Cody Elliott was also present.

CALL TO ORDER
Mayor Averitt called the Special Meeting to order at 6:00 p.m.

1. Ethics Complaint – Consideration of Ethics Complaint against Civil Service Commissioner.

City Attorney Wayne Olson addressed the citizens in regards to the agenda item and ethics policy and stated he will brief the Council on their responsibility in Executive Session. Mayor Averitt called for an Executive Session at 6:03 p.m.

EXECUTIVE SESSION

Chapter 551 of the Texas Government Code
Section 551.071 – Legal Advice
The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney regarding the following matters:
Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act including seeking legal advice about any item posted on the agenda.
Section 551.074 – Personnel
Deliberation regarding a complaint or charge against an officer or an employee – Ethics Complaint Against Civil Service Commissioner.

The Council reconvened into Regular Session at 6:26. No action was taken.

RECONVENE TO REGULAR SESSION

1. Consideration of sanctions, disciplinary action or additional investigation of a complaint.

City Attorney Wayne Olson stated what the procedure for this will be taken, which would include the reading of the complaint and questions by the Council to complainant Chris Anderson, President of the Haltom City Firefighters Association. He also stated Mr. Elliott would be given time to offer his rebuttal to the charges. Mayor Averitt read the complaint letter and Chris Anderson came forward and stated that prior to the Facebook incident, there wasn’t any doubt concerning Mr. Elliot’s integrity. He also said that Mr. Elliot didn’t contact either the City Manager or the Fire Chief regarding John Summer’s training to make a valid supposition, and in the matter of reconvening to discuss the
length of suspension, or even the probability, he should have known this while serving as Chair of the Civil Service Commission. In addition, Mr. Anderson said the Association respects and abides by the decisions of the Civil Service Commission and because of the impact they make with their decisions, it is imperative they remain impartial and with the Facebook comments made by Mr. Elliott, they believe he can no longer be objective in his decisions. Council Member Nunn asked Mr. Anderson how long he has held his President position (one year), job title with the Fire Department (Lieutenant), if he resides in Haltom City (no – he resides in Hurst), the manner in which he acquired the Facebook screen shots (via Jayson Steele), and the assistance required for the complaint (members of the Association Board). She further inquired if he had an Association meeting concerning the complaint (no, just the seven elected members of the Executive Board met), and also asked if the Civil Service Commission voted for the reinstatement of the city employee (J. Summers), why would the Association complain about Mr. Elliott. Mr. Anderson answered that the complaint was not with the city employee, but with the evidence that Mr. Elliott is no longer impartial and the appeal process needs protecting in securing an unbiased opinion. Council Member Brown asked Mr. Anderson for clarity in that the Association did not file the complaint, but he did as President, and Mr. Anderson stated there was no Association vote, but he filed the complaint. Council Member Brown also asked how the complaint was filed so quickly on the 16th with the evidence found on the 15th. He also inquired if there was any research done in establishing the truthfulness of the Facebook posts (no research was done by the Association) and if Mr. Anderson was on duty either the 15th and 16th (he answered ‘Yes”). Council Member Weast asked Mr. Anderson what are his working hours (48 hours on/96 hours off). Mr. Anderson also stated he was off on the day of the Facebook posting and filing the complaint.

Mr. Cody Elliott came forward and began with a brief review of his family history and their relationship with Haltom City. He then addressed the complaint issue with a statement that included criticism of the Haltom City Firefighters Association, stating it has been used as a platform by its President to attack Trae Fowler, John Summers and himself, and he stands behind his statements as a Civil Service Commissioner and citizen. He continued speaking about his service with the Crime Control Prevention District appointment in 1996, and that he uses information given to him as a reference for his decisions with the Civil Service Commission and doesn’t rely on personal feelings. He also stated his volunteer service has cost him with financial losses from work and his comment on the facebook page was interpreted to be anti-city, which he said he is not. His facebook comments were derived from a conversation he had with Mr. Summers and actions he personally witnessed, and he also stated the following: he was wanting to get the change in the no-pay penalty after he met with HR Director Toni Beckett and was told that the Charter only allows a six-week maximum suspension without pay or 240 hours. The intent of the Civil Service Commission was that the city could not afford to lose a twenty-two year firefighter veteran and that he was and could still be an asset to the Fire Department after receiving re-training and leadership skills. It was also the intent of the Commission for Fire Chief Bynum to administer these courses and place Mr. Summers back into the position of a working Lieutenant of a fire squad. After four and a half months, Mr. Summers is still taking courses, some voluntary, and had received several training books and tests from City Manager Keith Lane, of which Mr. Elliott stated that nowhere was it stated that the City Manager was to be involved in the retraining efforts, but that task was given to Fire Chief Bynum. He concluded by stating this process has gone on far too long, spiraled out of control, costs the city tens of thousands of dollars, and should have never reached the point currently. He did not believe the
Civil Service Commission has been given the authority to enforce its rulings, but only the City Council has that authority. He requested the City Council put an end to this situation, place Mr. Summers back to work in his position and would entertain any questions regarding himself or the Commission’s ruling.

Council Member Grow pointed out in the City Charter, Article 11 – Civil Service – Sec. 11.26 – Disciplinary Suspensions – “The Department Head may suspend any Sworn Employee under his/her jurisdiction or supervision for disciplinary purposes, not to exceed two-hundred forty working hours (240). The Department Head shall provide to the employee and file with the Commission by delivery to the Director a written statement of action within five (5) business days.” – and also included - “The Commission shall have the power to, uphold, modify, or reverse the decision of the Department Head.” – to indicate a possible misleading of the hours of suspension given to Mr. Summers. Mr. Grow also questioned Mr. Elliott in how the Commission would rehear the case and that Article 11 – Civil Service – Sec. 11.33 – Appeal to a District Court – determines that Mr. Summers, if he was not satisfied with the decision of the Commission – must then file an appeal with the District Court and not the appellate body (the Commission). Mr. Elliott stated that he has reviewed Article 11 of the Charter and has been “walked-through” with the city attorney in regards to procedure, relying on the guidance of the attorneys present during the employee’s appeal to the Commission. Council Member Grow then inquired of the time Mr. Summers approached Mr. Elliott regarding his displeasure with the training and Mr. Elliott stated he first met Mr. Summers in the parking lot of the city library when during a promotion, Mr. Summers was passed over. Mr. Elliott also stated that he tries to maintain a distance from public safety personnel in order to be able to render a Commission decision without an established personal relationship. He said Mr. Summers had visited his sister, Allison Roach, in December 2018, and it was then he talked with Mr. Summers over the training situation. Council Member Grow questioned why Mr. Elliott posted the Facebook comment while knowing he is an appointed official. Mr. Elliott responded that he, as a citizen under the First Amendment, is vocal and opinionated when he feels there is an injustice. Council Member Grow inquired of how Mr. Summers is overloaded with the training and Mr. Elliott responded that it was the Commission’s intent that only two or three courses would be given Mr. Summers and then he would be reinstated to a fire squad. After three and a half months, Mr. Summers is still taking training classes in an office with his work hours set from 8:00 a.m. to 5:00 p.m., which was not the intent of the Commission. He also stated the Commission should have been more specific in setting the parameters of the training, but that they felt the city would have been fair and set only the needed training and tests. Council Member Grow then asked why does he think the city is trying to make Mr. Summers quit. Mr. Elliott stated he didn't know why, but that through the appeal hearing deliberations, it was very obvious to him the Fire Department did not want Mr. Summers there, but they were unable to convince the Commission that there was a cause for dismissal. In addition, Mr. Elliott stated that the Commission dismissed the first charge, but sustained the second charge.

Council Member Nunn asked Mr. Elliott how many Civil Service cases that he has been involved and Mr. Elliott answered he recalled two major cases, the first one involving an officer being fired because the city was guilty of gross negligence, and the officer was reinstated. He said that most of their cases involves testing, or appeal cases that are resolved prior to a Commission hearing. Ms. Nunn inquired if he had ever been accused of an ethics violation or reprimanded prior to this and he responded that he never has been accused or reprimanded.
Mayor Averitt asked if Mr. Elliott was able to review the training that would be given Mr. Summers and he responded with an affirmation, with the review showing training that Mr. Summers had previously taken and that one course didn’t correlate with the test he was given. Mr. Elliott stated the Commission was concerned with the number of courses and the surety of having a leadership course. Mayor Averitt inquired if his personal relationship with Mr. Summers could have caused him making a partial decision and Mr. Elliott responded by saying that no personal relationship existed prior to the decision of the Commission. Mr. Elliott was then asked by Mayor Averitt whether he would think it would be odd that Mr. Summers went to him regarding his problem rather than appealing to the chain of command. Mr. Elliott stated Mr. Summers had approached Fire Chief Perry Bynum and City Manager Keith Lane, but was not satisfied after the meeting.

Council Member Nunn asked Mr. Elliott if anyone approached him after the Mr. Summers appeal hearing and Mr. Elliott stated no one had met with him on that. Council Member Thompson read from the appeal transcript, quoting Commission member Bill Lanford, who said “Fire Chief Bynum and the city will be ordered to put together a training program for appropriate leadership skills for the Fire Department…and that they will notify the Commission when it is done.” She also mentioned a modification by Commissioner Lanford regarding the training for Mr. Summers, which indicated the city was inclined to develop a training program. Mayor Pro Tem Truong asked Mr. Elliott how many courses Mr. Summers was assigned and was told it was two to three courses. Mr. Elliott was also asked if Mr. Summers was specific in his complaint regarding the number of courses and how many he had completed. Mr. Elliott answered that Mr. Summers was assigned seven courses and he believed he has finished five.

Mayor Pro Tem Truong asked if Mr. Elliott ever went to Fire Chief Bynum or City Manager Lane to discuss this and Mr. Elliott answered he had little faith in asking someone to correct a problem if they are creating the problem and it was costing him business-wise, also adding that he had considered resigning prior to this hearing, but that he felt it was such an important case, he had to stay on the Commission. Mayor Pro Tem Truong stated that board/commission members and citizens need to take the proper steps toward those in charge to correct their problems rather than ending up in a hearing that is costly.

Council Member Grow stated that as a City Council Member, he stayed clear of the Civil Service hearing because it was not in his scope and that also as an elected official, there is an adherence to particulars in regard to open speech. In addition, he stated Mr. Summers had a mechanism to use concerning his complaint. Council Member Thompson asked Mr. Elliott that concerning his desire to reconvene in regard to the six weeks (suspension time), did he inquire of either the Human Resource Director, City Manager, or City Attorney? Mr. Elliott replied he was not familiar with the process of contacting the right person, but believed that after speaking with Ms. Beckett, a future session concerning this suspension would be scheduled. Council Member Thompson then asserted the training courses were not specifically included in the Commission’s decision and Mr. Elliott confirmed that by stating that there was no discussion of specific courses other than their intent. Council Member Thompson also stated that the roles of elected and appointed members are difficult at times, especially when dealing with people, but that having a knowledge of the process and acting on it is the right thing to do. Mr. Elliott listed several difficulties he has encountered in acting in his role as a Commission member, but believed he was doing the best job he could.

The Council went into Executive Session at 7:26 p.m. They reconvened into Regular Session at 7:48 p.m.
Mayor Averitt asked City Manager Keith Lane to provide a document that was signed by all of the Civil Service Commission concerning the three-month suspension, which was allowed by the Commission, and not just six weeks. In addition, City Manager Lane asserted that he was included in regard to providing leadership training for Mr. Summers, through the statement from Mr. Lanford, and that Mr. Elliott had made the motion for Charge # 2 (several violations listed in regard to ethics and behavior) to be sustained. City Manager Lane also quoted Commission Member Lanford – “I want it to be known publicly that it is with great trepidation, John, that we send you back to the fire department because there is, I thought, a fairly substantial pattern of inappropriate conduct and leadership. And John, I hope you take this opportunity to avoid the Commission like the black plague and help yourself.” City Manager Lane then addressed Mr. Elliott in that he said “Chief Bynum, I want you to know that we all support the ideas that you and Chief Lane have for the city and the progress...we are in complete support and I just wanted you to know that all three of us are supporting you and Keith Lane in the direction you want to go because we believe that and know that there is a transition period and we just really felt that maybe John got a little bit left behind in the transition period.” Mr. Elliott agreed with the statements and City Manager Lane reminded him that there was a lot of change going on with the leadership of the Fire Department and that he had met with Bill Lanford the week following the decision to clarify the Commission’s expectations. Mr. Elliott responded he was mainly concerned with the intent and believed that the training courses would come through Chief Bynum. City Manager Lane replied he took direction from the Commission’s decision which would mean he would be assisting with the leadership training. Mr. Elliott again stated he wished the Commission had been more specific in determining the training, but the uniqueness of the case was something new for the Commission. City Manager Lane stated he met with Chief Bynum and Assistant Chief Jacobs to direct the training and testing for Mr. Summers, and also agreed the case was unique to them, and again met with Bill Lanford to assure they were following the Commission’s direction. He further stated the first two books he gave to Mr. Summers addressed organizational change, and he had another regarding leadership, but Mr. Summers has not finished the first two yet. Mr. Elliott said he wished he could have been more specific about the training Mr. Summers was to receive, but with that, he still feels that four and a half months is too much time for the training and being restricted to an office.

Council Member Nunn read a quote from Commissioner Bill Lanford: “I want it to be known publicly that it is with great trepidation, John, that we send you back to the fire department because there is, I thought, a fairly substantial pattern of inappropriate conduct and leadership, but I didn’t think it was just with John Summers, okay? I think that there was quite a bit of evidence in what we show here is that there are others in, and I am talking about the leadership ranks of the fire department, that need to learn how to make appropriate corrections to people that are under them and to each other that are more useful...I want to make it clear that you are on the right track and we support you, but we could not in good faith have John Summers take the fall for everybody. We just didn’t think it was fair.” She understood the Commission couldn’t do training for the whole department, but for Mr. Summers only, which indicates a bit of confusion that happened during the short bit of time regarding the matter, so the Commission wouldn’t really have that much influence in the training. Mr. Elliott concluded he has enjoyed serving the city, holds no ill will or will exhibit any vindictiveness, and is in agreement with the decision of the Council. Council Member Weast asked if there was any training available to board and commission members.
City Secretary Camacho replied there are classes available, but nothing required except the Open Meetings and Public Information online training. Council Member Nunn inquired if there was also a Social Media policy and City Manager Lane said a committee has been assigned for this matter.

Council Member Weast moved, seconded by Council Member Grow, that on the matter of Haltom City Code of Ethics (Policy), Standards of Conduct, Sec. 2-452-Delcaration of policy, Mr. Elliott did not knowingly violate these, but he has been an excellent volunteer and city businessman, and he felt that he does need to receive and review the Code of Ethics policy, but no action needs to be taken on this tonight. He also said that he needs to stay on the Civil Service Commission, but be very aware of the change in social media.  The vote was unanimous.  Motion carried.

ADJOURNMENT

Mayor Averitt adjourned the Special Meeting at 9:30 p.m.

RESPECTFULLY SUBMITTED BY:      APPROVED BY:

______________________________               ________________________________
Art Camacho, City Secretary    David Averitt, Mayor
MINUTES
HALTOM CITY COUNCIL MEETING
CITY HALL, 5024 BROADWAY AVENUE
January 28, 2019

A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on January 28, 2019, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor Pro Tem Dr. An Truong Council Place 1 Jeannine Nunn
Council Place 2 Walter Grow Council Place 3 Lin Thompson
Council Place 4 Brent Weast Council Place 5 Bob Watkins
Council Place 6 Ricky Brown

Mayor David Averitt was absent.

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Wayne Olson, City Attorney; Alicia Kreh, City Attorney; Art Camacho, City Secretary; Jennifer Fung, Finance Director; Glenna Batchelor, Planning and Community Development Director; Cody Phillips, Police Chief, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER - Mayor Pro Tem Truong called the Worksession to order at 6:00 p.m.

VISITORS/CITIZENS FORUM
1. Trae Fowler – Addressed the Council regarding an Open Records Request of a Civil Service Commission meeting being sent to the Attorney General and the entailing additional legal costs.
2. Stacey Corbin – Apologized for her asking the Council to speak regarding Cody Elliott’s hearing; stated the petition concerning getting rid of Fathom, lowering the water bills, and addressing the Stormwater fees was legitimate. She also inquired about street light safety for citizens being outside after dark.

There was no Executive Session.

REPORTS*
1. Monthly Financial Report – Review of Monthly Financial Report for November 2018 and December 2018. Finance Director Jennifer Fung presented a report that emphasized property tax collections and low revenues in other funds because of low quarter activity. A question of why the sales tax report did not include North Richland Hills was asked and Ms. Fung stated she will have it on the next monthly report.
2. Quarterly Investment Report for 2018 – Review of the Quarterly Investment Report for the quarter ended December 30, 2018. Finance Director Jennifer Fung presented the quarterly report that indicated the lower interest rate of the last quarter and the unrealized loss will not be lost because the investment will mature, causing a realized increase.
3. 2018 Crime Statistics (4th Quarter) – Presentation of Haltom City Police Department crime statistics for the 4th quarter of 2018. Police Chief Cody Phillips first addressed the Police Department’s handling of a car fire and thanked all who were involved. He then presented a report concerning statistical data on local crimes, code enforcement, and animal services.

The Worksession ended at 6:38 p.m.

The Regular Session meeting was delayed due to a medical situation with Council Member Brent Weast.

REGULAR MEETING

CALL TO ORDER
Mayor Pro Tem Truong called the meeting to order at 7:06 p.m. Council Member Brent Weast was absent at this time.
INVOCATION/PLEDGE OF ALLEGIANCE
Council Member Jeannine Nunn gave the Invocation, and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho read the following:

- The HC Public Library lists the children, teen, and adult programs on the website.
- Landscapes of HC, a coloring book by HHS Arts Club members, is for sale for $10.
- HC Calendars are available at City Hall, the Rec Center, and the Library.
- Veterans Memorial has a brick fundraiser and can be ordered through the city website.
- Haltom Stampede will be held on Feb. 9 and registration is available online.
- Parks and Rec have a Master Plan available for citizen input on the city website.
- Volunteers are needed to read to BISD students on World Read Aloud Day on Feb. 1.
- Registration for Co-ed Soccer is now open and the deadline is February 28th.

PRESENTATIONS – Haltom High School Football Team – Certificate of Recognition
Assistant City Manager Rex Phelps presented a Certificate of Recognition to Coach Jason Tucker and players Gavon Lange, Jackson Tucker, Juan Soto, Jesse Edmonson, Adam Hill, and Adrian Ulteras, recognizing them for their 13-1 football season record for 2018. Coach Tucker thanked the Council, the school, players, and citizens for their support. Council Member Brown added that Coach Tucker also received the Tom Landry Coach of the Year award.

CONSENT AGENDA

4. Minutes – Consideration and/or action regarding approval of the Minutes of the Regular Meeting of January 14, 2019.

5. Ordinance No. O-2019-001-15 (CU-014-18) – Consideration and/or action to approve the application of LeRoy Blanks for a Conditional Use Permit request in the “C-3” Commercial District to allow for a Bingo Hall – Commercial use in the “C-3” Commercial District, containing approximately 4.262 acres containing approximately 14,400 square feet of lease space on the south end of the building on Lot A1, Block 9 of the North Hills Addition, locally known as 3500 Denton Highway -2nd Reading.

6. Waiver of Conflict for Joint Permitting - Consideration of Waiver of Conflict for TOASE to develop agreement for joint permitting of project with City of Richland Hills.

Council Member Brown moved, seconded by Council Member Grow, to approve the Consent Agenda consisting of Items 4, 5 and 6. The vote was unanimous. Motion carried.

REGULAR AGENDA

7. Ordinance No. O-2019-004-15 (CU-015-18) – Conduct a public hearing and consider action regarding the application of Steven Westfall for approval of a Conditional Use Permit for automobile and light truck repair shop and vehicle storage facility in the “M-2” Heavy Industrial District located on Lot 16 & 17, Block 4 of the Parkdale Gardens Addition, being approximately 0.6904 acres on the west side of Delante Avenue, locally known as 2333 Delante Avenue. 1st reading. Planning and Community Development Director Glenna Batchelor presented the ordinance and a discussion was held regarding permits on the south side of the property, cars delivered by large trucks, and possible expansion room. Mayor Pro Tem Truong opened the Public Hearing at 7:26 and the following came forward:

1. Roy Sullins – Inquired of the number of parking spaces, number of employees, exterior parking of autos, and storage in fenced areas.
2. Trae Fowler – Stated the Council has the right to place stipulations for the tenant, but not for a new owner, so this stipulation should follow ownership continually. He also said there is already an existing parking and traffic problem in that property area.
3. Roy Sullins – Asked again about the number of employees and parking places.
Council Member Weast returned to the dais at 7:28 p.m.

Property owner Steven Westfall addressed the Council and stated the following:
1. There are nine parking spots in front of his property, and there are three employees, with their operating hours being Monday through Friday, from 8:00 a.m. to 6:00 p.m.
2. There would be no outside storage, or body work or painting being done, or car sales. The blind area outside will be used for maneuvering their gooseneck trailer.
3. Exterior improvements, painting and possible landscaping, could be done, and any reasonable exterior condition requested by Council will be acceptable.

Mayor Pro Tem Truong closed the Public Hearing at 7:44 p.m. A discussion was held regarding making conditions specific to a tenant and Ms. Batchelor stated a similar case had come before the Council and the Conditional Use Permit has to be specific to the property. City Attorney Olson also added information regarding the specifics. Council Member Grow moved to disapprove the Conditional Use Permit. There was no second. Council Member Jeannine Nunn asked if the Council passed the ordinance on first reading, would the Council be able to include the stipulations discussed into the second reading. City Attorney Olson stated that the stipulations made by the Council would be included in the second reading for approval. Ms. Nunn moved, seconded by Council Member Weast, to approve Ordinance No. O-2019-004-15 (CU 015-18) on its first reading. Mayor Pro Tem Truong and Council Members Nunn, Grow, Thompson, Weast, and Watkins voted aye. Council Member Brown voted nay. Motion carried.

Council Member Weast left the meeting at 7:55 p.m.

Due to his medical condition and having to leave the meeting shortly, Council Member Weast requested that Agenda Items #13 and #14 be brought forward for consideration.

13. Resignations of Board/Commissions/Committee Members – Consider approval of the resignations of Board/Commission/Committee Members. Council Member Weast moved to have Wesley Hart removed from the Economic Development Corporation (EDC) Board. Mayor Pro Tem Truong and Council Members Grow, Thompson, Weast and Watkins voted aye. Council Member Brown left his vote on the “No Voting” option. Motion carried.

14. Appointment/Reappointment to Boards/Commissions/Committees – Consider approval regarding appointments to Boards/Commissions/Committees. Council Member Weast moved to appoint Troy Dunn to the EDC Board. The vote was unanimous. Motion carried. Mayor Pro Tem Truong moved to appoint Kay Roemmich to the Beautification Board. The vote was unanimous. Motion carried.

Council Member Weast left the meeting at 7:55 p.m.

8. Ordinance No. O-2019-005-15 (Z-004-18) – Conduct a public hearing and consider action regarding the application of David Duong for a Zoning Change request from “M-1” Industrial District to “PD-MF-2” Planned Development – Multifamily District located on a tract of land situated in the J.A. Murrell Addition being Lots 17A, 18A, 19A, 20, 21A, 22A, 23A and 24A, being approximately 1.2769 acres on the west side of Layton Avenue, locally known as 4225 Bernice Street. 1st Reading. Planning and Community Development Director Glenna Batchelor presented the ordinance and stated the applicant requested a continuance for this item until after the P & Z meeting of February 12, 2019, in which they will have an established mutual access as part of their parking agreement. Council Member Thompson moved, seconded by Council Member Grow, to approve a continuance on this agenda item until the February 25, 2019 Council meeting. The vote was unanimous. Motion carried.

9. Resolution No. R-2019-004-01 - Consideration and/or action regarding amending Resolution No. R-2019-004-01, calling a General and Special election to be held on May 4,
2019. City Secretary Art Camacho presented the resolution calling for a Special Election to be held in conjunction with the General Election because of the vacancy of Council Place 5. Council Member Grow moved, seconded by Council Member Thompson, to approve Resolution No. R-2019-004-01. The vote was unanimous. Motion carried.

10. **Ordinance No. O-2019-003-01** – Consideration and/or action regarding calling a special election to be held on May 4, 2019 for the purpose of submitting charter amendments to the voters. **1st Reading.** Charter Review Committee Chair Steve Chapman began by listing the members of the Committee and the Ethics Sub-Committee, the Committee’s timeline efforts, procedures, and final proposal. He presented a review of the Committee’s proposals, which primarily included legal verbiage recommendations regarding current charter language from the City Attorney’s office, the proposed changes from both the Police and Fire Department involving the Civil Service, and Finance Director Jennifer Fung’s suggestion regarding a periodic review of the audit services. He stated the main changes the Committee addressed were the addition of an Ethics Commission and for the Mayor’s service term to be extended for five terms, rather than the current three terms.

A review of each of the red-lined items on the proposed charter was done on the following:

1. Article I – Boundaries and Annexations
2. Article II – Powers
3. Article III – City Council
4. Article IV – Nominations and Elections
5. Article V – Finance
6. Article VI – Recall of Officers
7. Article VII – Initiative and Referendum
8. Article VIII – Franchises and Public Utilities
9. Article IX – Administration
10. Article X – General Provisions
11. Article XI – Civil Service

City Attorney Alicia Kreh provided additional information on several charter subjects and Human Resources Director Toni Beckett assisted on the Civil Service charter section. A discussion was held regarding the volume of charter information on the ballot, compliance of the charter language, voter opportunity, and specific terms of the new verbiage.

**Mayor Pro Tem Truong called for a short recess at 9:00 p.m. The Council reconvened to the Regular Session at 9:07 p.m.**

Mr. Chapman, City Attorney Kreh, and Ms. Beckett continued with the Committee’s proposals and a discussion was held concerning the Civil Service section involving hearing and appeal deadlines, and shared services for the Civil Service Commission. In addition, the subject of arbitration, preparation for the second reading of the ordinance, the effort to have the charter amendment ballot information given to citizens, boards, and commissions, and a possible workshop, was discussed. Council Member Grow moved, seconded by Council Member Thompson, to approve Ordinance No. O-2019-003-01 – for consideration regarding a special election to be held May 4, 2019 for the purpose of submitting charter amendments – first reading. The vote was unanimous. Motion carried.

**CITY STAFF REPORTS**


There were no reports.

**FUTURE AGENDA ITEMS**

12. Discussion on items to be placed on future agendas.

Council Member Grow requested that according to the Charter, Article IX – Administration, Sec. 9.05 – City Attorney, an attorney review be placed on the agenda of February 25, 2019.
EXCUSED ABSENCE OF COUNCIL MEMBERS

15. Attendance Requirements – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter. Mayor Pro Tem Truong moved, seconded by Council Member Thompson, to approve the absence of Mayor Averitt. The vote was unanimous. Motion carried.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Mayor Pro Tem Truong adjourned the meeting at 9:50 p.m.

RESPECTFULLY SUBMITTED BY: Art Camacho, City Secretary

APPROVED BY: David Averitt, Mayor
BACKGROUND
Consider action on the application of Steven Westfall for approval of a Conditional Use Permit for automobile and light truck repair shop and vehicle storage facility in the “M-2” Heavy Industrial District located on Lot 16 & 17, Block 4 of the Parkdale Gardens Addition, being approximately 0.6904 acres on the west side of Delante Avenue, locally known as 2333 Delante Avenue.

The applicant requests approval of a conditional use permit to allow for automobile and light truck repair shop and vehicle storage facility uses.

At the previous City Council meeting there were some questions on parking for this facility. Staff went to the site and counted the marked parking spaces. Currently there are eight (8) marked spaces. The site plan that was submitted shows sixteen (16) parking spaces. Since the last meeting there have been some revisions to the ordinance. A summary of the changes include:

- Add paint of a neutral color.
- Obtain a demolition permit within 30 days to remove south and west additions added without permits.
- Within 60 days add a parking lot with a maneuvering area to the south property line being asphalt or concrete.
- Add a drive isle on the west side of the building with exit only sign.
- No Certificate of Occupancy will be issued until the new items are addressed.

The applicant’s operation is to buy vehicles then bring them back to their warehouse and make them ready for retail dealerships. They typically buy vehicles from sources like auctions or banks that are impaired in some way. The applicant brings the vehicles back to the warehouse and perform repairs on them ranging anywhere from lightbulb replacement, door replacement to suspension or engine replacements (usually some sort of part replacement). Their business does not repair for public customers. Once the vehicles have been repaired, they bring them to auction to be bid on by earlier companies such as Drivetime, CarMAX and other major automotive sales facilities. Any painting of vehicles is outsourced and not performed on their site.

FISCAL IMPACT
None.
RECOMMENDATION
On January 22, 2019, the Planning and Zoning commission recommended unanimous approval of the Conditional Use Permit.

ATTACHMENTS
BACKGROUND

On August 13, 2018, the City Council created a 9-member Charter Review Committee and tasked them with reviewing the entire Charter and provide the City Council with proposed recommendations for citizens to consider in a possible Charter election.

At a Regular Council Meeting on January 28, 2019, the Council voted 6-0 to pass Ordinance No. O-2019-003-01 on first reading, calling for a special election for possible Charter revisions to be held on May 4, 2019.

FISCAL IMPACT

Election costs will be shared between participating political subdivisions, but the County does not yet know how many entities will be participating.

RECOMMENDATION

Staff recommends the City Council approve Ordinance No. O-2019-003-01, on second reading, calling for a special election on May 4, 2019 to consider amendments to the Charter.

ATTACHMENTS

Ordinance No. O-2019-003-01
ORDINANCE NO. 0-2019-003-01

AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, CALLING A SPECIAL ELECTION FOR SATURDAY, MAY 4, 2019 FOR THE PURPOSE OF AMENDING THE CITY CHARTER; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Haltom City, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is the intention of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Texas Local Government Code; and

WHEREAS, an election to submit to the voters proposed amendments to the City Charter is required by law to be held on the uniform election date that occurs 30 days after the election is ordered and Section 3.005 of the Texas Election Code requires that a special election be ordered prior to February 15, 2019; and

WHEREAS, Section 41.011 of the Election Code establishes the first Saturday in May as a uniform election date, and the Council has determined that date sufficient in time to comply with the requirements of the law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS, THAT:

SECTION 1.
CHARTER AMENDMENT ELECTION CALLED

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Haltom City proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in Exhibit "A," attached to this ordinance and incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 4, 2019 from 7:00 a.m. to 7:00 p.m.

SECTION 2.
ELECTION SERVICES CONTRACT

The Mayor is hereby authorized to execute a contract with the Tarrant County Elections Administrator (the “Contract”) for the purpose of having Tarrant County furnish all or any portion of the election services and equipment needed by the City Secretary
to conduct the election. The Contract and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

SECTION 3.
CONTRACT TERMS

The Contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

SECTION 4.
COMBINED BALLOTS

Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made on forms, which are individual or combined, and the Elections Administrator shall be designated as the custodian of combined records.

SECTION 5.
CHARTER PROPOSITION BALLOTS

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote “Yes” or “No” on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth on Exhibit “B” attached hereto and incorporated herein for all purposes.

SECTION 6.
POLLING PLACE

The polling place for the special election shall be at Haltom Northeast Center, 3201 Friendly Lane, Haltom City, Texas 76117, between the hours of 7:00 a.m. and 7:00 p.m. on election day.

SECTION 7.
ELECTION JUDGE

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the Contract and authorized by Chapter 271 of the Election Code.
SECTION 8.
METHOD OF VOTING

The City Secretary is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the special election, in accordance with this ordinance and the Election Code.

SECTION 9.
EARLY VOTING

(a) Early Voting by Personal Appearance. Heider Garcia, the Tarrant County Elections Administrator, ("Elections Administrator") is hereby designated as the Early Voting Clerk for the election as indicated in the Contract. Early voting by personal appearance shall commence April 22, 2019 and shall continue until April 30, 2019. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law. Early voting main location will be at Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas and the Haltom City Early Voting location will be at the Haltom City Northeast Center, 3201 Friendly Lane, Haltom City, Texas.

(b) Early Voting by Mail. The Elections Administrator shall be responsible for Early Voting applications and ballots. Applications for early voting by mail may be delivered to Heider Garcia, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not later than close of business on April 19, 2019, if delivered in person, and April 23, 2019 if delivered by mail. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots he may receive to the Elections Administrator as provided in the Contract.

SECTION 10.
NOTICE

(a) Notice of Election. A substantial copy of this ordinance shall serve as proper notice of the special election. Said notice, including a Spanish translation thereof, shall be posted not later than the twenty-first (21st) day before the election on the bulletin board used for posting notices of meetings of the city council and shall be published at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper published and of general circulation in the City of Haltom City.

(b) Publication of Amendments. Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice shall be published in a newspaper of general circulation in Haltom City on the same day, in each of two consecutive weeks, with the first publication occurring on or before the 14th day before election day. The notice shall contain a substantial copy of the proposed amendments.
SECTION 11.
AMENDMENTS

Matters contained in this ordinance relating to discretionary procedural matters may be amended by resolution of the City Council.

SECTION 12.
OTHER ACTION

The Mayor and City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all action necessary to comply with provisions of the Texas Election Code or other state and federal statutes and constitutions in carrying out the conduct of the election, whether or not expressly authorized herein.

SECTION 13.
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances and resolutions of the City of Haltom City, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and resolutions are hereby repealed.

SECTION 14.
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 15.
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF __________________, 2019.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF __________________, 2019.
MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY
EXHIBIT “A”

PROPOSED HALTOM CITY CHARTER AMENDMENTS
EXHIBIT “B”

BALLOT LANGUAGE
BACKGROUND
On January 14, 2019, the City Council approved Resolution No. R-2019-004-01 calling for a General Election on May 4, 2019 of the Mayor’s position, as well as Council Member Places 1, 2 and 7.


On January 28, 2019, the City Council also voted to approve Ordinance No. O-2019-004-01, first reading, calling for a special election for the purpose of submitting charter amendments to the voters to be held in conjunction with the General Election on May 4, 2019. If the City Council approves the second reading of Ordinance No. O-2019-004-001, then Resolution No. R-2019-004-01 would need to be amended to include the charter amendments.

An amended Resolution No. R-2019-004-01 is presented for City Council consideration and action adding the above referenced Special Elections for both the vacancy and charter amendments to the called General Election.

FISCAL IMPACT
Election costs will be shared between participating political subdivisions, but the County does not yet know how many entities will be participating.

RECOMMENDATION
Staff recommends that if the Council approves Ordinance No. O-2019-004-001 on the second reading, then the City Council needs to amend Resolution No. R-2019-004-01, authorizing a joint election with Tarrant County and calling for the General and Special elections for both the Council vacancy and charter amendments to be held on May 4, 2019.

ATTACHMENTS
Amended Resolution R-2019-04-01
RESOLUTION NO. R-2019-004-01
Joint Election Agreement
For General Election

A RESOLUTION AND ELECTION ORDER BY THE CITY COUNCIL OF
THE CITY OF HALTOM CITY, TEXAS CALLING FOR A GENERAL
ELECTION AND SPECIAL ELECTION TO BE HELD ON MAY 4, 2019;
APPROVING A JOINT ELECTION AGREEMENT BETWEEN TARRANT
COUNTY AND THE CITY OF HALTOM CITY, TEXAS; PROVIDING
PROCEDURES FOR THE CONDUCT OF THE ELECTION; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the General Election for City Council Members of the City of
Halton City, as set forth by the City of Halton City Home Rule Charter and the Texas
Election Code, is required to be held on May 4, 2019, at which time the voters will
elect persons to fill the offices of the Mayor and City Council Places 1, 2, and 7 with
all places to be elected for two year terms; and

WHEREAS, a vacancy exists in the un-expired term of Place 5 of the City
Council of the City of Halton City, Texas, which must be filled for the remainder of
the term pursuant to the Election Code, and the City of Halton City Home Rule
Charter, in a Special Election to be held in conjunction with the General Election on
May 4, 2019; and

WHEREAS, the City Council has approved Ordinance No. O-2019-003-01 on
its second reading, for the purpose of submitting charter amendments to the voters in
a Special Election to be held in conjunction with the General Election on May 4,
2019; and

WHEREAS, it is in the best interest of the citizens of Halton City for both
elections to be conducted through a joint election agreement with Tarrant County; and

WHEREAS, by this Resolution, it is the intention of the City Council to adopt
all requirements of an Election Order in accordance with state law, and authorize a
contract with Tarrant County for joint election services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF HALTOM CITY, TEXAS:

Section 1. That a General Election is hereby called to elect the Mayor and City
Council Places 1, 2, and 7 to serve until May 2021 or until their
successors are duly elected and qualified. Such election shall take
place on the 4th day of May 2019, between the hours of 7:00 a.m. and
7:00 p.m.

Section 2. That a Special Election is hereby called to fill the vacancy of City
Council Place 5 to serve until May 2020 or until a successor is duly
elected and qualified. Such election shall take place in conjunction with
the General Election on the 4th day of May 2019, between the hours of
7:00 a.m. and 7:00 p.m.
Section 3. That a Special Election is hereby called to submit charter amendments to the voters and such election shall take place in conjunction with the General Election on the 4th day of May 2019, between the hours of 7:00 a.m. and 7:00 p.m.

Section 4. Qualified persons may file as candidates for the General Election by filing an application with the City Secretary between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning Wednesday, January 16, 2019 and ending not later than 5:00 p.m. on Friday, February 15, 2019. Each application for a place on the ballot shall be accompanied by either a filing fee of fifty ($50.00) dollars payable to the City, or as an alternate procedure to payment of this fee, a person may submit a petition in favor of his or her candidacy, signed by at least fifty (50) registered voters.

Section 5. Qualified persons may file as candidates for the Special Election by filing an application with the City Secretary between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning Tuesday, January 29, 2019 and ending not later than 5:00 p.m. on Friday, February 15, 2019. Each application for a place on the ballot shall be accompanied by either a filing fee of fifty ($50.00) dollars payable to the City, or as an alternate procedure to payment of this fee, a person may submit a petition in favor of his or her candidacy, signed by at least fifty (50) registered voters.

Section 6. The City Council hereby approves a joint election agreement and contract between Tarrant County and the City of Haltom City (the “Contract”) for the purpose of conducting the General Election and the Special Election described above. The Contract will be forthcoming and the City Manager or his designee is authorized to execute the Contract. In the event of a conflict between this Resolution and the Contract, the Contract shall control.

Section 7. The Election Day polling place for this joint election is designated pursuant to Section 271.003 of the Texas Election Code, and the Council finds that the following location can most adequately and conveniently serve the voters in this election, and that this location will facilitate the orderly conduct of the election:

<table>
<thead>
<tr>
<th>Polling Location</th>
<th>County Precincts Include</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haltom Northeast Center</td>
<td>4042, 4102, 4141, 4159, 4191, 3201 Friendly Lane</td>
</tr>
<tr>
<td></td>
<td>4218, 4239, 4290, 4328, 4362, Haltom City, TX</td>
</tr>
<tr>
<td></td>
<td>4399, 4410, 4483, 4485, 4533, 4620, 4632</td>
</tr>
</tbody>
</table>

For purposes of this election, the County precincts voting at Polling Place #1 shall be designated City Precinct #1.
Section 8. The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Tarrant County as indicated in the Contract and authorized by Chapter 271 of the Texas Election Code.

Section 9. Heider Garcia, the Tarrant County Elections Administrator, (“Elections Administrator”) is hereby designated as the Early Voting Clerk for the election as indicated in the Contract. Early voting by personal appearance shall commence April 22, 2019 and shall continue until April 30, 2019. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law. Early voting main location will be at Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas and the Haltom City Early Voting location will be at the Haltom City Northeast Center, 3201 Friendly Lane, Haltom City, Texas.

Section 10. The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to Heider Garcia, County of Tarrant, Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, not later than close of business on April 19, 2019, if delivered in person, and April 23, 2019 if delivered by mail. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots he may receive to the Elections Administrator as provided in the Contract.

Section 11. All resident qualified electors of the City shall be permitted to vote at said election and, on the day of the election, such electors shall vote at the polling place designated for the Election Precinct in which they reside.

Section 12. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Contract and the Code.

Section 13. Should a runoff election be required following the canvass of the May 4, 2019 election, the Council hereby orders that a runoff election be held on Saturday, June 8, 2019. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election, and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Should a runoff election be necessary, early voting by personal appearance for the runoff election shall be held at the Haltom City Northeast Center, 3201 Friendly Lane, Haltom City Texas between the hours of 8:00 a.m. to 5:00 p.m., beginning May 28th and extending until June 4th with voting hours listed on the bulletin board and city website.

PASSED AND APPROVED by the City Council of the City of Haltom City, Texas this 11th day of February, 2019.
David Averitt, Mayor

ATTEST:

__________________________________

Art Camacho, City Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: February 11, 2019
Department: Finance
Subject: Ordinance No. O-2019-005-03
Issuance of General Obligation Bonds, Series 2019

BACKGROUND

In developing the FY2019 budget, the City Council approved certain capital projects for fire station, streets and parks. On January 14, 2019, our Municipal Advisor, Mark McLiney of SAMCO Capital Markets, Inc., presented the bond issuance plan for 2019.

The City intends to issue about $7,820,000 General Obligation Bonds in February 2019. Out of which about $5.5 million are for fire station, $1.38 million are for streets projects, and the rest $940,000 are for parks projects. The issuance is approved by voters in November 2010 and May 2018 bond elections. The voters approved to issue General Obligation bonds finance the costs of construction of fire station, street and sidewalk improvements, park improvements and paying certain costs of issuance of the Obligations. The bond will be sold using competitive bid process. Bids are due at 11:00 a.m. on February 11, 2019. The City Council will approve the sale of bonds at the City Council meeting on February 11, 2019.

The proposed general obligation bonds are to be retired over fifteen (15) years.

Mr. Andrew Friedman of SAMCO Capital Markets, Inc., the City’s Municipal Advisor, will present the complete documentation supporting the bond issue, including the proposed ordinance, during the workshop/meeting and will be available to answer questions.

FISCAL IMPACT

The general obligation bonds are priced to sell at an estimated average rate of 3%. The source of the repayment for the general obligation bonds will be from the property tax revenues.

RECOMMENDATION

Staff recommends that the Mayor advise the Council and public that this ordinance will be considered on one reading in accordance with State Law. The Mayor should then conduct a public hearing in accordance with the City Charter.
Contingent upon the favorable opinion of our Municipal Advisor, Staff recommends that the Council approve Ordinance No. O-2019-005-03, with the following motion, authorizing the issuance of the General Obligation Bonds, Series 2019 on the first and only reading in compliance with State Law.

A MOTION BY COUNCILMEMBER ______________ AND SECONDED BY COUNCILMEMBER __________ THAT THE CITY COUNCIL ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF HALTOM CITY, TEXAS GENERAL OBLIGATION BONDS, SERIES 2019”.

ATTACHMENT

Draft of Ordinance No. O-2019-005-03
CITY COUNCIL MEMORANDUM

City Council Meeting: February 11, 2019
Department: Public Works
Subject: Amendment No. 1 to the Facilities Agreement for the IDEA Public Schools Addition: Lot 1 of Block A

BACKGROUND

On September 10, 2018, the City approved the Final Plat for the IDEA Public Schools Addition: Lot 1 of Block A along with a Facilities Agreement ("FA"). An FA, commonly referred to as a development agreement, states both the City’s responsibilities and the developer’s responsibilities towards the development of property.

In accordance with the FA, IDEA Public Schools ("IDEA") will reconstruct Thomas Road between Orval Court and Lower Birdville Road from a 2-lane asphalt roadway to a 3-lane concrete roadway with deceleration lanes at both of IDEA’s entrances off of Thomas Road. It should be noted that IDEA’s responsibility towards this roadway construction is for approximately 2,370 “lineal lane feet”; however, the “3-lane distance” between Orval Court and Lower Birdville Road is approximately 2,700 “lineal lane feet”. The difference (330 “lineal lane feet”) is being funded by the City at a cost of $61,603.42, previously budgeted as $100,000 in the FY2019 CIP Budget.

The water main in this section of Thomas Road is also budgeted in the FY2019 CIP Budget; its cost is approximately $25,000 and has recently been constructed by the City’s Public Works Construction Division.

The sanitary sewer main in this section of Thomas Road has not been reconstructed; however, this sanitary sewer needs to be reconstructed, too. While the previously mentioned water main did not need to be upsized, the sanitary sewer main does need to be upsized. Currently, this sanitary sewer main is an 18” diameter main and based on correspondence with the engineering consultant that is under contract to analyze the City’s sanitary sewer system, this main should be reconstructed as a 21” diameter main. The City’s Public Works Construction Division is currently working on drainage improvements to Bakers Lane (along with the Drainage Division) and the Construction Division is scheduled to replace the water main in Lower Birdville Road between SH 121 and Carson Street. Even if the Construction Division was pulled from the Bakers Lane Project and rescheduled the Lower Birdville Road water main replacement project, constructing the 21” diameter sanitary sewer main would not be completed prior to street crews moving onto Thomas Road for its reconstruction.
Staff has been corresponding with IDEA to determine the design and construction costs if their engineering consultant and contractors were responsible for the costs of designing and replacing the 18” diameter sanitary sewer main with the proposed 21” diameter sanitary sewer main. These costs were estimated to be $130,000 to $135,000. However, staff was able to get IDEA to agree to fund the design costs and construction costs for a not to exceed amount of $122,500.

In order for IDEA to be responsible for this sanitary sewer main replacement construction work, their FA with the City would need to be amended. Amendment No. 1 provides for IDEA to be responsible for this sanitary sewer work at a not to exceed amount of $122,500.

FISCAL IMPACT

Funding is available in the Capital Projects Budget (Water & Sewer Utility Projects Fund).

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute Amendment No. 1 to the Facilities Agreement for the IDEA Public Schools Addition: Lot 1 of Block A.
CITY COUNCIL MEMORANDUM

City Council Meeting:    February 11, 2019
Department:      Public Works
Subject: Approval of the Project Delivery Method for the Construction of Fire Station No. 3

BACKGROUND

City staff recently discussed the project delivery methods with City council. This item is to formally approve the Construction Manager at Risk project delivery method for the construction of Fire Station No. 3.

The three delivery methods that were previously discussed:
- Design – Bid – Build
- Construction Manager at Risk (CMAR)
- Design Build

City staff has recommended the Construction Manager at Risk delivery method as the best way to deliver the Fire Station construction project on time and within budget.

CMAR is a delivery method which entails a commitment by the construction manager to deliver the project within a Guaranteed Maximum Price (GMP). The construction manager acts as a consultant to the owner and architect in the development and design phases but will be the general contractor during the construction phase. The construction manager will be bound to the GMP by contract. In addition to acting in the owner's interest, the construction manager must manage and control construction costs during the construction phase in order to not exceed the GMP. The City will choose the Construction Manager, based on qualifications, at about the 30% design phase of the project.

The advantages of this method include increasing the speed of the project and strengthen coordination between the architect/engineer and the construction manager. Transparency is also enhanced, because all costs and fees are in the open, which diminishes adversarial relationships between all parties working on the project.

It is anticipated that the City Council will be considering an architectural contract within the next month.
FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the City Council approve the Construction Manager at Risk project delivery method for the construction of Fire Station No. 3.
BACKGROUND

The Meacham Boulevard Reconstruction Project (Project) is identified in the FY2019 Budget. The project limits are from Beach Street to Old Denton Road, which is approximately 2,400 feet in length. The existing roadway is a 50’ wide four-lane asphalt street section with a concrete curb and gutter. The proposed roadway section will be a concrete pavement section; additionally, the Project includes the replacement of the existing water main, sanitary sewer main and storm drainage facilities.

Also included in the engineering agreement is the paving and drainage design for Old Denton Road from Meacham Boulevard to the north for approximately 500’. There is at least one business at this location that has their building flooded during heavy rainfall events. The last few years have had exceptionally wet Springs and/or Falls and this situation appears to have worsened. The engineering agreement’s scope includes design of new asphalt roadway and a new storm drainage system to capture runoff that currently inundates the properties in the area of Old Denton Road & Meacham Boulevard.

In August 2018 staff completed the Request for Qualifications (RFQs) for the Project and on September 12, 2018, the Purchasing Agent received Request for Qualifications (RFQ’s) for the Project. The following firms submitted at that time:

- James DeOtte Engineering
- J. Volk Consulting
- Graham Associates
- Dannenbaum Engineering Company

The consultants were evaluated on the following criteria:
1. Previous experience of the firm including proven ability to provide services of a similar type;
2. Qualifications of the project manager and key project team members;
3. Proven ability to perform the work to meet specifications and deadlines;
4. Quality of previous work based on references and staff research of previous work;
5. Past record with the City;
6. Evidence that the firm is active and financially stable;
7. Firm’s current workload;
8. Degree of responsibility accepted by the firm for technical aspects of the project;
9. Reasonableness of approach to management of the project;
10. Description of how the firm will approach and manage the project including a description of the major aspects the City will need to consider; and
11. Proposed schedule for design and construction.

A City staff selection committee comprised of the City Engineer, the Purchasing Manager, the Street Division Superintendent, a City Project Inspector, a Parks Department employee and a City Project Engineer interviewed the consultants.

Based on these interviews, the selection committee ranked J. Volk Consulting (JVC) as the highest. Shortly thereafter, Public Works Department staff met with JVC staff on various occasions to negotiate an engineering agreement. Recently, Public Works staff and JVC have negotiated an agreement in the amount of $324,000 for the following tasks:

1. Perform and analyze the geotechnical report for the pavement and subgrade design.
2. Investigation of the location, both horizontally and vertically, of existing utilities. This shall include contacting outside utility companies to determine if utility improvements are planned for the near future. This will also include the need to repair or replace any existing City maintained utilities.
3. Prepare construction design documents and specifications for the construction of concrete curb/gutter roadway including water and sanitary sewer improvements.
4. Determination of the need for additional right-of-way and/or easements for the improvements.
5. Analyze the roadway width, storm drainage system, and potential medians for design options. Also, the consultant will investigate the elimination of concrete curb & gutter for the proposed roadway.

The Engineering Agreement is set up to either include the additional Old Denton Road work (total agreement cost = $324,000) or without the additional Old Denton Road work (total agreement cost = $288,000).

Staff has had previous experience working with JVC and has found them to be professional, timely and very knowledgeable in these types of projects.

**FISCAL IMPACT**

Funding is allocated in the FY2019 Budget.
RECOMMENDATION

Staff recommends that the City Council approve an engineering agreement for $324,000 with J. Volk Consulting for the Meacham Boulevard Reconstruction Project which includes the design of drainage improvements around the intersection of Old Denton Road & Meacham Boulevard, and authorize the City Manager to execute the corresponding engineering agreement.

In addition, Staff recommends the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated Staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 11th day of February, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

________________________
David Averitt, Mayor

ATTEST:

________________________
Art Camacho, City Secretary
CITY COUNCIL MEMORANDUM / RESOLUTION

City Council Meeting: February 11, 2019

Department: Public Works

Subject: Assignment & Engineering Agreement for Various Water and Sanitary Sewer Projects

BACKGROUND

In 2010, the City entered into an agreement with Gary Burton Engineering (“GBE”) for professional design services in regards to various public infrastructure facilities throughout the City. In 2013, the City entered into a follow-up agreement for the rehabilitation/renewal (“R/R”) of the following water and sanitary sewer projects:

- Denton Hwy (Webster Street to Starlight Drive) Water R/R
- Denton Hwy (Broadway Avenue to Glenview Drive) Sanitary Sewer RR
- Diamond Oaks Drive (Denton Hwy to Golden Oaks Drive) Water R/R
- Starlight Drive (Denton Hwy to Glenview Drive) Water R/R
- Glenview Drive (Denton Hwy to Starlight Drive) Water R/R
- Norvell Drive (Glenview Drive to Starlight Drive) Water R/R

The 2013 follow-up agreement covered design services only. The agreement specifically states that it does not include any services towards the Bid Phase, Construction Phase or regulatory approval services. This type of “engineering agreement process” between the City and GBE appears to have been typical during the 2010 – 2013 time period.

The design engineering for the above indicated projects is close to being complete and the construction phases for these projects are budgeted in the current fiscal year, FY2020 and FY2021 as part of the City’s 5 Year Capital Improvement Plan.

Since these projects are now budgeted for construction, it would be appropriate to enter into an agreement for bidding and construction services. However, since the execution of the 2013 agreement, GBE has been bought out by CP&Y, an engineering firm with offices throughout Texas and a few other states. CP&Y has committed to completing the remaining design change requests expressed by staff.

Because GBE has been bought out by CP&Y, it would be appropriate for the City to acknowledge the assignment of the 2013 engineering agreement from GBE to CP&Y and to enter into an engineering agreement for bidding & construction services for the above projects.

Both the assignment document (“Assignment and Assumption of Contract for Engineering Services”) and the engineering agreement document (“Engineering Agreement for the 2019-
2021 Water and Sewer Renewal – Denton Highway”) have been reviewed by the City Attorney’s Office.

The assignment document basically states that the City consents to the assignment of the 2013 engineering agreement from GBE to CP&Y.

The engineering agreement covers CP&Y’s responsibilities and the compensation thereof during the bidding & construction phases for the above projects. This amount is a not to exceed amount of $100,930. The 2013 engineering agreement was in the amount of $267,500. This amount plus the $100,930 for bidding & construction services, yields a total cost for consulting engineering services of $368,430.

FISCAL IMPACT

There is adequate funding budgeted in the FY2019 CIP Budget ($1,500,000 is identified in FY2019 for the above projects).

RECOMMENDATION

Staff recommends that the City Council approve both the “Assignment and Assumption of Contract for Engineering Services” and the “Engineering Agreement for the 2019-2021 Water and Sewer Renewal – Denton Highway” with CP&Y. Additionally, staff recommends that the City Council authorize the City Manager to execute both documents and be expressly authorized to execute any and all change orders within the amounts set by state and local law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated Staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 11th day of February, 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

_________________________
David Averitt, Mayor

ATTEST:

_________________________
Art Camacho, City Secretary
BACKGROUND

These items are scheduled for future agendas:

1. Visitor/Citizen Forum – to be discussed during Worksession when scheduled by Council Member Brent Weast.

2. City Attorney Review – Council Member Walter Grow has requested this be placed on the Council agenda for 2/25/19.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

None.
CITY COUNCIL MEMORANDUM

City Council Meeting: February 11, 2019
Department: City Secretary
Subject: Boards/Commission/Committee Resignation of Members

BACKGROUND

The City Council will consider action regarding the resignations from Boards, Commissions, and Committees. Chris Bethel has submitted his resignation from the Planning and Zoning Commission. Scott Barrilleaux submitted his resignation from CCPD/Red Light Camera Advisory Board.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENT

Letter of resignation from Chris Bethel.
Letter of resignation from Scott Barrilleaux.
CITY COUNCIL MEMORANDUM

City Council Meeting: February 11, 2019
Department: City Secretary
Subject: Boards/Commissions/Committees Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board, commission, and committee members. Place One on the TIRZ Board expired December 31, 2017. Currently Bob Watkins serves in Place One.

Appointments and/or reappointments that are due:

Mayor:  
- Beautification – Vacant  
- Public Arts Program Committee – One vacancy  
- Civil Service – One vacancy

CC Place 3: Parks – Vacant

CC Place 6: CCPD/Redlight – Current member Layla Caraway  
- ZBA – Current member Debbie Hardin

CC Place 7: CCPD/Redlight – Current member Patti Street  
- Fire – Current member Sue Austin  
- P&Z – Current member Suzette Teague

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications received: Todd Western, 2019; James White, 2018; Raymond Balandran, 2018; Jonathan Thomas, 2018; Larry Handschoh, 2018; Alaina Tellson, 2018; Colton Hudson, 2018; Layla Caraway 2018; Joy Dalton 2018; Eric Morris, 2018; Garrett Schleier, 2018; Betty Porter, 2018; Alexandra Geltmeier, 2017; Matthew Schoonover, 2017; Gary Hilbert II, 2017.