A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on October 22, 2018, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

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

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

WORKSESSION

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

Council Member Bob Watkins raised an objection to having the Visitors/Citizen Forum at the beginning of the meeting during the Worksession. Mayor Averitt stated the new time schedule for this agenda item is to prevent citizens from staying the near-entire length of the meeting to address the Council and since there is no Council action during the Visitor/Citizen Forum, it will be placed there for future meetings.

VISITORS/CITIZENS FORUM

The following citizens came forward:

1. Chris Anderson, President, HC Firefighter Assoc. – Addressed the sentiments toward the Fire Fighter Department concerning problems with personnel and leadership and stated the accusations will not affect their work performance or standards.
2. Bill Lanford – Gave support to the BISD Bond proposition for new schools in Haltom City.
3. Don Lemaster – Stated the American Legion will be presenting the Veterans Day program at the Veterans Memorial on November 11th and the Fire Department will be furnishing their Drum Corp.

No other citizen came forward.

WORKSESSION

Council Member Grow addressed the item regarding the Crime Free Single-Family Rental Ordinance, and a discussion was held regarding the procedure to begin the program, possible objections from property owners, and the large increase of rental property in Haltom City. Police Chief Phillips and Officer Perkins provided additional information on the item. In addition, City Manager Lane stated that the IT Department will be researching security camera systems for some possible installations than what is currently being used. Council Member Weast expressed his thanks for the assistance he received during his health issue at the last Council meeting. Mayor Averitt closed the Worksession at 6:52 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Averitt called the meeting to order at 7:05 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Assistant City Manager Rex Phelps 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.
- The Carson Street Closing will be closed for at least 5 to 7 weeks.
- The Trunk-R-Treat will be held on Thursday, October 25th from 4:30 p.m. to 8:30 p.m.
- The Harvest Fest will be held on October 31st from 6:00 to 8:00 p.m.
- The Haltom Rec Center will hold its Haltom Halloween on Saturday, October 27th.
- Fall Gallery Night will be held at the Library on Friday, Nov. 9th and Saturday, Nov. 10th.
- The Veterans Day Ceremony will be held on Sunday, Nov. 11th at 11:00 a.m.
- The Haltom Sr. Center will host their Halloween Party on Wed., October 31st.
- The HC Citizens Fire Academy will host an all-you-can-eat breakfast at Applebee’s on Saturday, November 10th from 8:00 a.m. to 10:00 a.m.
- The Pumpkin Decorating Contest is Saturday, October 27th at the Library.
- The Pumpkin Smash is Thursday, Nov. 1st at 5:00 p.m. at the Library.
- Hoowling Halloween is Tuesday, October 30th at 6:30 p.m. at the Library.
- The Board/Commission Banquet is Thursday, Nov. 1st at Diamond Oaks at 6:00 p.m.

Assistant City Manager Rex Phelps presented a Certificate of Recognition for the 90th Anniversary of St. Luke Methodist Church, in which Rev. Mel Bishara thanked the Council and citizens.

PRESENTATIONS - New ISO Fire Rating – Perry Bynum – this presentation was cancelled and is rescheduled for January 2019.

Mayor Averitt notified the citizens regarding the new placing of the Visitor/Citizen Forum and asked if anyone who was unaware of the new placement would like to address the Council at this time. No citizen came forward.

REPORTS

1. Monthly Financial Report – Review of the Monthly Financial Report for Sept. 2018. Finance Director Jennifer Fung presented the monthly financial report that included the ending of the fiscal year 2018 and showed several revenues reaching above their budgeted amount and the City sales tax showing a near 8.48% increase. No questions were asked.

2. Quarterly Investment Report for 2018 – Review of the Quarterly Investment Report for the quarter ended September 30, 2018. Finance Director Jennifer Fung presented the quarterly investment report which included a higher interest rate and a total book value of over fifty million dollars. A question was asked regarding the possibility of a loss occurring in the Unrealized Gain, but there will be no loss when the maturity date is reached. No other questions were asked.

3. 2018 Crime Statistics (3rd Quarter) – Presentation of Haltom City Police Department crime statistics for the third quarter of 2018. Chief Phillips introduced Officer Robert Parsons with the new canine services dog Harcos. Police Chief Cody Phillips then presented the third quarter report that included an increase in service calls, Part 1 Offenses, sexual assault, aggravated assault, residential burglary and vehicle theft. Decreases were shown in robbery and burglary of a building. In addition, data acquired from the Code Enforcement Department and Animal Services was presented and a discussion regarding sexual assault prevention and “grand-fathered” dumpster enclosures was held.

REGULAR AGENDA

4. Minutes – Consideration and/or action regarding approval of the Minutes of the October 8, 2018 Regular Meeting. Mayor Pro Tem Truong moved, seconded by Council Member Grow, to approve the minutes of October 8, 2018. The vote was unanimous. Motion carried.

5. Ordinance No. O-2018-030-15 (CU 009-18) – Consideration and/or action regarding the application of Ali Sairafi requesting a Conditional Use Permit for automobile and light truck repair shop, automobile tune up and lube center, and tire and battery sales store, auto
laundry/car wash located on a tract of land situated in the Meadow Oaks Addition-Haltom, Lot 6 to 13 & S10’ 5, Block 37 and being approximately 0.8774 acres east of Denton Highway, locally known as 2906 & 2908 Denton Highway. **2nd Reading.** Planning and Community Development Director Glenna Batchelor presented the ordinance and Mr. Sairafi answered questions regarding his compliance with the conditions of the CUP and enforcement measures. Council Member Grow moved, seconded by Council Member Weast, to approve Ordinance No. O-2018-030-15 (CU 009-18) – second reading. **The vote was unanimous. Motion carried.**

6. **Rejection of Bids RFB2018-311-01** – Consideration and/or action to reject bids received for Street and Utility Reconstruction Improvements for Joy Lee Street, Swan Street, Lamond Court and Springview Court. Public Works Director Greg Van Nieuwenhuize presented the agenda item, reviewed the process, and stated that in lieu of problems with the construction documents not stating that the project could be awarded based on the project having partial sidewalks or no sidewalks, he recommended that the Council reject the bids submitted so a new bid situation can be done with all conditions made clear. A discussion was held regarding the necessity of city sidewalks in both commercial and residential areas. Council Member Grow moved, seconded by Council Member Weast, to reject all bids for Bid RFB2018-311-01 – Street and Utility Construction. **The vote was unanimous. Motion carried.**

7. **Resolution No. R-2018-014-11** – Consideration and/or action regarding approval to abandon a portion of Utility Easement within the IDEA Public Schools Addition, Lot 1, Block A (formerly the Thomas Acres Addition, parts of Lots A, B, & C) and to authorize the Mayor to execute the corresponding Quitclaim Deed. Public Works Director Greg Van Nieuwenhuize presented the resolution and Mayor Pro Tem Truong moved, seconded by Council Member Brown, to approve Resolution No. R-2018-014-11. **The vote was unanimous. Motion carried.**

8. **Sprint Tower Lease** – Consideration and/or action to authorize the City Manager to execute a lease agreement with Sprint for the Tower Lease at 3310 Meadow Oaks. Assistant City Manager Rex Phelps presented the agreement and explained the new terms for leasing with Sprint. Council Member Grow moved, seconded by Mayor Pro Tem Truong, to the City Manager to complete the lease agreement with Sprint for the Tower Lease at 3310 Meadow Oaks. **The vote was unanimous. Motion carried.**

Mayor Averitt requested that the next two items will be discussed in Executive Session prior to any action during the Regular Session and proceeded with Agenda Items 11 – 15.

9. **Haltom Hospitality 380 Development Agreement** – Consideration and/or action regarding Chapter 380 Development Program and Economic Development Agreement between the City of Haltom City, the Haltom City Economic Development Corporation and Haltom Hospitality, LLC for Development of a Hotel and Restaurant.

10. **Resolution No. R-2018-015-01** – Consideration and/or action to approve the sale of properties owned by the Economic Development Corporation (EDC) that are no longer necessary to fulfill project purposes; authorizing the EDC to sell such properties for market value for development purposes that benefit the proper and orderly growth of the City.

11. **CITY STAFF REPORTS** – There were no City Staff Reports.

12. **FUTURE AGENDA ITEMS** – Council Member Grow requested the Comprehensive Land Use Plan (CLUP) review be delayed until after the Charter Review Committee (CRC) is finished with their work because some of the CRC members may be serving on the CLUP.

**BOARD/COMMISSIONS**

13. **Resignations of Board/Commissions/Committee Members** – Consider approval of the
resignations of Board/Commission/Committee Members. There were no resignations.

14. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees. There were no appointments or reappointments.

**EXCUSSED ABSENCE OF COUNCIL MEMBERS**

15. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Council Member Weast moved, seconded by Council Member Grow, to approve the excused absences of Council Member Nunn and Council Member Thompson. *The absences were approved unanimously.*

Mayor Averitt called for an Executive Session at 8:16 p.m. under the following:

**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
- Nicklaus Forrest v. City of Haltom City
- Amer Ozzie v. City of Haltom City
- Joe Williamson v. City of 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.

Mayor Averitt reconvened to Regular Session at 8:53 p.m. with Council acting on the following:

**RECONVENE TO REGULAR SESSION**

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

1. Council Member Weast moved, seconded by Council Member Brown, to authorize the negotiation amendments with Haltom Hospitality 380 Development Agreement as discussed in Executive Session and if they fail (to consider the negotiations), to file a lawsuit in breach of the agreement. *The vote was unanimous. Motion carried.*

2. Council Member Weast moved, seconded by Mayor Pro Tem Truong, to approve the amended Resolution No. R-2018-015-01. *The vote was unanimous. Motion carried.*

**ADJOURNMENT**

Mayor Averitt adjourned the meeting at 8:55 p.m.

RESPECTFULLY SUBMITTED BY: 

APPROVED BY: 

Art Camacho, City Secretary

David Averitt, Mayor