

Lynda Stokes Mayor  
City Council:  
Bonnie Black Mayor Pro Tem  
Ken Parnell Pl# 1  
John Basham Pl# 2  
Eric Hunter Pl# 4  
Billie Steele Pl #5



195 W. Reno Rd.  
Azle, Texas 76020  
Phone (817) 221-2500  
Fax (817) 221-3650

## **MINUTES**

### **Regular City Council Meeting**

**Monday, July 20, 2015 - 7:00 pm**

**1. Call to Order and Announce a Quorum was Present.**

Meeting was called to order at 7:00 p.m.

Absent: John Basham due to illness.

**2. Invocation.**

**Council Member Black led the invocation.**

**3. Pledge of Allegiance to the American and Texas Flags.**

*"Honor the Texas flag; I pledge allegiance to thee, Texas,  
One state under God, One and Indivisible"*

**4. Mayor's Announcements**

Mayor Stokes said a lot of the people in the city know Mary Joyce Kirk, her husband Franklin passed away. The funeral will be at Walnut Creek Baptist Church at 10:00 am tomorrow.

Mayor Stokes said a lot of you know Mr. Polino has been with the city for 4 ½ years. She said this month he celebrates 30 years as a police officer. Congratulations.

Mayor Stokes said they have a new police officer – Preston Tennison.

Joe Polino, City Administrator said he would like to introduce Preston Tennison. He said he is a home town boy. He comes to us from the Pelican Bay Police Department. He has also been on the Reno Fire Department.

Mayor Stokes said she knows it has been a goal of his to be on the Reno Police Department.

He is also interested in working on grants.

Preston Tennison said it's so nice to be back where he grew up. He volunteered on the Fire Department since 2009. He said he is interested in working on emergency grants.

Mayor Stokes said Officer Tennison is the officer that worked the swift water rescue. He was off duty and he gave his time. Mayor and Council welcomed him back to Reno.

## 5. Department Reports - Consent Agenda

- A. Minutes – June 15, 2015
- B. City Administrator's Report (Municipal Court/Code Compliance reports)
- C. Police Department Report
- D. Street and Roads/Water System Reports
- E. Volunteer Fire Department Report
- F. City Secretary/Financial Report

Motion made by Council Member Steele to approve all the Department Reports in the consent agenda A - F. Motion seconded by Mayor Pro Tem Black, motion passed 4-0.

## 6. Action Items

- A. Lori Orta, CPA – Report and discussion/action on 2013 audit and update on 2014 audit.

Lori Orta said the City had a clean opinion on the audit. She said they had significant adjustments. They are working on the audit for 2014 and will have it complete and ready for the Council on August 10, 2015. She said she really wanted to commend the Mayor and Council, certainly all of the staff, Ramah, Scott and Cara. They were very helpful in gathering information that they needed. They have been able to progress much more quickly than in the past. The goal is to have the 2014 audit ready on August 10, 2015. She said they are also going to be working with Ramah on posting entries that they are currently relying on someone else. That will cut down the cost. Allowing Ramah to make those entries will make things timelier. They will be out here as quickly as right after 9-30-2015. As far as the financial condition of the City, overall there was a decrease of about 5%. They had additional debt. They don't have an internal control letter tonight. They just have a couple of comments. The internal controls haven't had a lot of time to implement. She knows we have implemented them. She said she noticed today when she was in – she could hear a council member with Ramah on the phone going over the financials in detail. She said the 2013 is a much more clean audit and she anticipate the 2014 will be also. She is going to have her Manager John come in and sit down with Ramah and help her understand. That will speed the process up and keep costs down. She said there has been great interaction with the other departments to ensure that the financials are being recorded more accurately. That's a key point with a limited staff working together to make sure those controls are in place and making sure your financials are accurate.

- B. Approve Audit for fiscal year October 1, 2012 through September 30, 2013.

Motion was made by Mayor Pro Tem Black to approve the audit for fiscal year October 1, 2012 through September 30, 2013. Motion was seconded by Council Member Parnell, motion passed 4-0.

- C. City Administration and Employees (previously under 7A on June 15, 2015 for the purpose of clarification.)

Regulating the relationship between City Council Members and Employees and allocation of City resources and the management of City operations:

- a. Clarifying the role of Mayor and her assistant (the City Administrator) and restating the authority of City Council Members, with a right of appeal to the City Council.
  - b. Regulating the use of City resources and operations (City's employees and costs) by City Council Members, and a right of appeal to the City Council.
  - c. A system to provide security for employee confidential information, and right of appeal to the City Council. Also, providing any City Official violating these rules will be subject to censure as well as any appropriate penalties, civil or criminal.
- D. Discussion/action to provide formal contracts for (a.) City Administrator (b.) City Attorney.

Mayor Pro Tem Black said she would like to combine C. & D. She said there are items that need to be discussed in Executive Session because some haven't had a chance to go over some of the material.

Motion was made by Mayor Pro Tem Black to combine Items C and D. Motion was seconded by Council Member Steele, motion passed 4-0.

Motion was made by Council Member Parnell to go into Executive Session at 7:24 pm. on Items A. & B. Motion was seconded by Council Member Hunter, motion passed 4-0.

**Executive Session (In accordance with Texas Government Code, Chapter 551).**

**A. Items C. and D.**

**I certify that only topics allowed by law were discussed during this session.**

**Mayor Lynda Stokes** 

Motion was made by Council Member Hunter to go back into Open Session at 8:08 p.m. Council Member Parnell seconded, motion carried 4-0.

Items C. & D.

Mayor Pro Tem Black said she would like to read these again for clarification from our previous meeting. She said there are things that need to be clarified.

In recent times many concerns have been raised about perceived inappropriate activities by individual Council Members. These include wrong interpretations of the role of the Mayor and Members of the Council in operations of the City, inappropriate demands on employees and City resources and extensive inquiries into confidential employee records beyond Open Records. These have been disruptive, expensive and detrimental to morale. This amount to a complete disregard of the role of the Mayor, the need for City Council input and disregard and lack of respect for hardworking employees.

Additionally, many reckless and false statements and accusations have been made against the Mayor as well as long-serving and valuable employees. This has all been in the name of "oversight" but has become nothing more than attacks on perceived opponents and searching for information to use against people as a

basis for baseless accusations and claims which all those who have long worked for this City know to be both false and malicious. Oversight also requires certain attempts to find the truth, not ammunition.

There have also been complaints that we do not have formal contracts with two (2) principal employees. This is true. The relationship with both has been close and based on mutual trust and cooperation. Now, however, since there have been attacks on both of these individuals with which we do not agree I feel there is a need for a written contract to both restate our support and to ensure their services are recognized and retained.

These contracts do not provide for any raises during their term-such were refused. They provide for retention through the end of the Fiscal Year 2016-2017, (a two (2) year contract) and the Attorney has offered to put monthly, recurring, activities on a retainer system to simplify billing and budgeting. I would like to presently make a motion authorizing the Mayor to enter into a contract on this basis – which is obviously on the same or better terms for the City than before.

Motion was made by Mayor Pro Tem Black to authorize the Mayor and staff to reissue the Directives we endorsed at the last meeting and which the Mayor also issued as a Directive to Employees – and which I asked to clarify and reemphasize. We need to recognize the operational structure of the City with the Mayor as the Executive and the Administrator as her assistant, working on her behalf and through her authority, and we need to create a system to protect the Employees and City operations and budget for excessive unilateral demands. Lastly, we need a system to assure employees that their confidential information will be available through a system of record keeping and procedures to ensure that only legal inquiries will be made. We also should make sure that any questions may be referred to Council and provide for consequences for any violations of this trust. The Mayor Pro Tem move that we authorize Mayor and Staff to issue policies discussed above and like those previously approved with regards to City operations and employees and their relationships as have been distributed and that the Mayor be authorized to enter into the Contacts with the two (2) employees with the terms shown in the drafts-and as reason why I would like to refer to these clauses:

The Contract for Mr. Joe Polino: WHEREAS, the employee has, over the course of several years, proved himself to be an invaluable addition to the staff of the City of Reno by the reorganization and training of the Police Department, the reorganization and reform of the Municipal Court and its finances, assistance rendered to the Mayor and Council in budgeting, assisting the Mayor and Council during a variety or crisis including the reorganization and resurrection-several times – of the Fire Department and the unfortunate attempts to de annex portions of the City based upon erroneous information being distributed by various citizens. The City Council finds for these reasons, as well as many others, the retention and morale of this employee is a cardinal importance to the City and wishes to reaffirm same by the granting of this Contract.

The Contract for Mr. Walter Leonard: The City would also stipulate that the provision of this Contract is in recognition of the years of service of the attorney with the City, the assistance of the attorney in the reorganization of the City at all levels, the assistance given to Mayor and Council during various times of considerable crisis, the multiple rehabilitations of the Fire Department, the assistance in dealing with the proposals to de-annex the City and innumerable minor projects which have arisen from time to time.

The provision of this Contract is in order to ensure stability and the retention of the attorney. This motion by Mayor Pro Tem Black is for the approval of both contracts. Motion was seconded by Council Member Hunter, motion passed 4-0.

E. Discussion/action on hiring an Oil and Gas Well Inspector.

Mayor Stokes said David Lunsford was present to speak on that.

David Lunsford said he lives in White Settlement, TX. He said he wanted to resubmit a general draft version of his contract. He said if they want to go further they can meet. He said he has found it easier to go out and inspect all of them instead of doing well by well. He said you can do an annual or semiannual inspection. He said drilling inspections require multiple trips, frack inspections require multiple trips. He said they can have a sit down meeting with them and discuss more information.

Mayor Stokes said she thinks a sit down across the table would be in order. She said there are several wells they have had problems with. They have wells that aren't properly fenced and some without pad locks on the gates.

David Lunsford said he is available anytime they want to have a meeting.

Motion was made by Council Member Steele to hire Larry Hulseley as the Gas Well Inspector. She said she has read through both contracts and that is her recommendation.

Walt Leonard said any appointment they make is for tonight. Therefore or next month – if you want to obtain someone else that wouldn't be precluded.

Mayor Stokes said the only issue with Mr. Hulseley – they have had him before – they had issues with things not being done.

Scott Passmore, Public Works Director spoke. They have two (2) wells that need to be reworked tomorrow. There are four (4) more wells coming up. The amendment to the Gas Well Ordinance needs to be approved tonight. Then any work done on a current well will fall under the new ordinance. They are asking already – who our Gas Well Inspector is.

Walt Leonard said he is saying we need to contract with somebody. He told the Council nothing would stop them from hiring both.

Mayor Stokes said Mr. Lunsford is open to negotiations on complaints. She asked Council Member Steele if there was a difference in the contracts.

Council Member Steele said yes the prices per inspection and hourly rate. She said they have a total of 36 wells. She said she is not thrilled about some of the fees. She said she is looking at it long term also. She said they have drive time, annual inspections and surcharges. She said she didn't see a retainer fee in the contracts. Another reason is Mr. Lunsford said he was going to start reducing his work load.

Motion was amended by Council Member Steele to hire both Gas Well Inspectors David Lunsford and Larry Hulseley. Then they can pick and choose as they go. Motion was seconded by Council Member Parnell, motion carried 4-0.

- H. (This item was moved forward) Discussion/action to amend the Gas Well Ordinance and fees.

Scott Passmore said they need to amend the Gas Well Ordinance, so they will fall underneath the new ordinance if any work or maintenance is done to an existing gas well. He said the periodic maintenance needs to be a separate ordinance. So if anyone touches the well it will be under the new ordinance.

Walt Leonard said what they need to do is someone make a motion authorizing Mayor and Staff to finalize the ordinance based on the information Scott Passmore handed out and to bring to the council an ordinance on maintenance.

Council Member Steele said the wells need to be inspected. They are sitting there not being inspected. She said she has talked about that for years.

Motion was made by Mayor Pro Tem Black to authorize Mayor and Staff to finalize the ordinance based on the information Scott Passmore provided and bring to the Council an ordinance on maintenance. Motion was seconded by Council Member Parnell, motion passed 4-0.

- F. Increase water deposit on rental property to \$250.00 and raise fees on Landlord clean-up.

Scott Passmore said increasing deposits on rental property will keep the City from having unpaid water bills. The landlord clean up fee would be a base rate of \$25.00 and 60 cents a gallon would cover the city costs.

Mayor Stokes said they have had a lot of problems with rental property.

Motion was made by Mayor Pro Tem Black to raise rental property water deposits to \$250 and landlord clean up fee to a base of \$25.00 and 60 cents a gallon. Motion was seconded by Council Member Steele, motion passed 4-0.

- G. Set Budget Workshop date.

Motion was made by Council Member Parnell to set the Budget Workshop date on August 17<sup>th</sup> the time will be announced. Motion was seconded by Mayor Pro Tem Black, motion passed 4-0.

Scott Passmore asked if the council would like the proposed budgets on August 10<sup>th</sup> so they will have time to look over them.

Mayor Stokes said that would be excellent.

- I. Discussion and possible action Town Hall Meeting.

This item was tabled until the Regular Council Meeting on August 10, 2015.

- J. Discuss and action on establishing procedures for Executive Sessions – conflict with the city and restrictions on attendance.

Walt Leonard said this sets the policy for Executive Sessions. Procedures in Executive Session is provided for as part of the Open Meetings Act. Certain things may be in Executive Session, including:

1. Land negotiations
2. Personnel matters involving particular employees
3. Security policies and equipment.
4. Potential threatened or actual litigation.
5. Matters which require attorney-client discussions (inherently confidential).

A question has arisen in the past in other cities when one (1) or more City Council Members are adversarial to the City and such adversarial opposition involves a potential threat of litigation or adversarial acts. In such instances, the City Council is presented with a Catch-22 in which the Council Member would necessarily be present while there is a confidential legal discussion with regards to how to deal with such actions.

As a result, it is clear that the City Council may require exclusion of one (1) or more Council Members if the City Council determines that such Council Members harbor a potential for adverse results from being included in confidential discussion. This has been established by opinions from the Attorney General's Office and has also been confirmed by the Texas Municipal League.

He said he would suggest the promulgation of a policy with regards to these matters- "In Executive Session, after discussion with staff and deliberations, if the City Council feels the presence of one (1) or more Council Members would be detrimental to the City because of confidential discussions about subjects concerning which the City Council feels that these Members are in an adverse position to the City, the City Council, in Executive Session, may vote to exclude such Members from the discussion of these items." This could be policy that they could pass out here.

Motion was made by Mayor Pro Tem Black that we accept this policy and authorize the Mayor and staff to promulgate it as a formal policy. Motion was seconded by Council Member Hunter, motion passed 4-0.

Walt Leonard said this is a policy now. They will create a written policy that the Mayor will sign. This is effective as of now.

**7. Citizen Presentation and Public Input for Future Agenda Items.**

This is an opportunity for citizens to address the Council on any matter that is not posted on this agenda. The Council is not permitted to take action on, or discuss any presentations made to the Council at this time concerning any item not listed on this agenda.

Shelly Swift of 1480 Bluebird Lane spoke. She would like her street, Bluebird Lane, to be a Private Road to through traffic. She said barely one car can get down the street. She said two (2) families live on this street. There is not enough road to pass a vehicle. One must get into the ditch or at times get into the fence. There is no way to turn other than going into Patty Swift's driveway.

No street repair has been done except when they broke a water line. We would like to take the right away back, giving access only to residents, guests, utilities and delivers.

Walt Leonard said in cases like this closing a public road putting it in a private category – they need to make sure (1) there is maintenance that will be a problem of the land owner (2) they need to find out how that road came to be owners – whether it was dedicated or it's just an easement.

If it was dedicated you normally give it back to the land owner's adjacent to it. They would have to declare the road surplus or un-necessary to close it. You would have to go through a hearing process. The people that asked for it would have to be asked if they are sure they want to do this. There are probably utilities in that road. He said if you're going to land lock's somebody that's a problem. That would be dealt with when the letters go out.

Shannon Smithers said he owns land down there and it would keep him from getting to his property. He said he owns two (2) properties. He said he wouldn't have a problem with it if he had access to the private road.

Meredith Hall spoke. She said they have spoken before about having a city-wide garage sale. They would like to have it on August 14<sup>th</sup> and 15<sup>th</sup>. She would like to put it on the city website for advertisement. She will contact the Azle paper and wanted to talk with Springtown ISD about using their parking lot. If they say no then she could use the parking lot at city hall. There would not be a set up fee and she would like to give 10% to the City of Reno for any expense they incur with Police Officer's for their time.

Mayor Stokes said they would use the area in the back and the parking lot.

Mayor Stokes said there have been complaints about the 7' foot high grass on Cardinal Road. The property owners are responsible to maintain it.

8. Motion was made by Mayor Pro Tem Black to go into Executive Session at 9:02 p.m. (In accordance with Texas Government Code, Chapter 551). Motion was seconded by Council Member Steele, motion passed 4-0.

1. Personnel – City Administrator

A: City Administrator

1. Job status
2. Contract

B: City Attorney

1. Job status
2. Contract

2. Potential or threatened litigation:

City Hall, employee safety and security policies – Council Member Place #2

3. Threats and statements threatening litigation from Council Member Place #2.

9. **Action in Open Session at 10:05 p.m. regarding items discussed in Executive Session.**

1. Discussion/action on policies at City Hall for employee safety and security

Motion was made by Council Member Steele to return from Executive Session at 10:05 p.m. Motion was seconded by Council Member Parnell, motion carried 4-0.

Mayor Pro Tem Black said she wanted to make a motion. She asked if Walt Leonard could help her on this.



Walt Leonard said something on the line of: Authorize the Mayor to create list of Individuals with history of violence, abuse, or extreme behavior. All persons on this list must make an appointment to come to City Hall and will never be without an escort in addition to the persons visited at City Hall. Anyone on this list may appeal, in writing, such classification to the City Council.

Mayor Pro Tem Black said she wanted that to be her motion: To authorize the Mayor to create list of Individuals with history of violence, abuse, or extreme behavior. All persons on this list must make an appointment to come to City Hall and will never be without an escort in addition to the persons visited at City Hall. Anyone on this list may appeal, in writing, such classification to the City Council. Motion was seconded by Council Member Parnell, motion carried 4-0.

Council Member Hunter asked if there was an appeal to the City Council to be removed from the list. Would that decision by the City Council be final?

Walt Leonard said yes it would be final.

2. Discussion/action on actions necessary (if any) from threats of litigation against the City.

Mayor Stokes said there is No Action on Item #2.

I certify that only topics allowed by law were discussed during this Session.

Mayor Lynda Stokes 

#### 10. Adjourn

Motion made by Mayor Pro Tem Black to adjourn at 10:07 p.m., seconded by Council Member Steele, motion passed 5-0.

APPROVED BY THE CITY COUNCIL OF RENO, PARKER COUNTY, TEXAS THIS 10<sup>th</sup> DAY OF August, 2015.

  
Lynda Stokes  
Mayor

CITY SEAL:



ATTEST:

  
Ramah Burns  
City Secretary