

**Council Minutes August 24, 2021**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Special Session and Regular Session at 5:45 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 24th day of August, 2021 with the following members present:**

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Cindy Almendarez	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	

constituting a quorum.

Also present: Councilmember-Elect Rich Steves

Staff present included:

Jimmy Stathatos	City Manager
Cliff Blackwell	Assistant City Manager
Michael Wells	City Secretary
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Wes Morrison	Neighborhood Svcs./Planning Mgr.
Andrea Roy	Development Director
Jeff Williams	Police Chief

**SPECIAL SESSION**

Mayor Boyter called the Special Session to order at 5:50 p.m.

**INAUGURATION OF NEWLY ELECTED OFFICIAL**

- **Administer Statement of Elected Officer and Oath of Office to newly elected Council Member Place 4 and presentation of the Certificate of Election.**

City Secretary Michael Wells administered the Statement of Elected Official and Oath of Office to newly elected Council Member Rich Steves, Place 4. Mayor Boyter presented the Certificate of Election to Councilmember Steves.

**ADJOURNMENT**

Mayor Boyter adjourned the Special Session at 5:53 p.m.

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### **REGULAR SESSION**

The Regular Session began at 5:53 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Boyter called the meeting to order.

### **INVOCATION**

Joseph Cartwright with Reimagine Men DFW gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledges of Allegiance to the flags of the United States and Texas were given.

### **COUNCIL RECOGNITION**

- **Presentation of the 2020 Coronavirus Pandemic Book from Tarrant County Clerk Mary Louise Nicholson.**

Tarrant County Clerk Mary Louise Nicholson presented to the City the 2020 Coronavirus Pandemic Book. Library Director Maria Redburn accepted the book on behalf of the City.

- **Recognition of the City of Bedford's 25th Consecutive Distinguished Budget Presentation Award.**

Janina Jewell, GFOA Representative for the Government Finance Officers Association of Texas, presented Strategic Services Manager Meg Jakubik with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

### **OPEN FORUM**

Nobody signed up to speak during Open Forum.

### **PRESENTATIONS**

- **Third Quarter Finance Report**

Strategic Services Manager Meg Jakubik gave a financial report on the third quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual, budgeted, and projected revenues and expenditures, which shows sales tax doing better than anticipated but fines and forfeitures not meeting revenue. She presented a comparison of revenues and expenditures from Fiscal Year 2020 and 2021 showing improvements in almost every category of revenue. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC).

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In response to a question from Council, Ms. Jakubik stated that franchise fees were down due to State legislation that allowed companies that offer both cable and telephone to only pay the higher of the fees.

- **Bedford Commons Presentation**

City Manager Jimmy Stathatos stated Tarrant Community College is the final increment in the Tax Increment Reinvestment Zone (TIRZ) District. He discussed the vision for Bedford Commons and an experienced development group with whom he has worked in other communities.

Justin Springfield with Old Town Development and Levi Hooten with GFF presented information on the background of their companies and previous projects they have been involved with in the area. They discussed the existing Bedford Commons site and their proposal for a mixed-use development, to include townhomes, office space, restaurant and retail space, street parking, and green space, centered around a public square. They recommended a phased development and to receive feedback from the community on the master plan. They discussed shared parking and the need for less parking spaces with mixed-use development. Ideas that drove their master plan, include creating something that is activity-based, excitement for the restaurant and office users, and a neighborhood that people do not want to leave. They presented information on various aspects of the master plan, including retail uses, office space, utilizing L Don Dodson Drive as a traditional main street, a synthetic turf lawn green space in the middle, a combination of a farmer's market/car park, a shared communal parking garage, residential townhomes, turning the flood plain area into a natural amenity, a walking trail running, and residential amenities such as a pool.

In response to questions from Council, Mr. Springfield stated their core competency is finding owner-occupied destination-type businesses from urban areas and bringing them to the suburbs. There was discussion on drawing people from the metroplex and doing something unique in Bedford. Phase 1 would incorporate approximately 100 townhomes, or one-third of the total in the development. The green space would be the size of an intramural field, or approximately 60 yards north to south, and there would be additional green space throughout the development. There was discussion on skepticism on the office space use due to the pandemic; public-private partnerships; the location of the townhomes on the outside of the development; creating both a community and a destination; the potential timeline for the project; and the evolution of the Bedford Commons project.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve the following items by consent: 1, 2, 3, 4, and 5.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

- 1. Consider approval of the following City Council minutes:  
a) August 10, 2021 regular meeting**

This item was approved by consent.

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2. **Consider a resolution of the City Council of the City of Bedford, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC's legal counsel.**

This item was approved by consent.

3. **Consider an ordinance abandoning the right-of-way known as a portion of Doug Rivers Drive (1.046 acres), due to the redesign and renovation of Bedford Boys Ranch into Generations Park at Boys Ranch.**

This item was approved by consent.

4. **Consider an ordinance abandoning the right-of-way known as a portion of Lakeview Drive (0.6338 acres) within the boundary of Generations Park at Boys Ranch, due to the redesign and renovation of Bedford Boys Ranch into Generations Park at Boys Ranch.**

This item was approved by consent.

5. **Consider an ordinance abandoning the right-of-way known as Shady Lane (1.606 acres) within the boundary of Generations Park at Boys Ranch, due to the redesign and renovation of Bedford Boys Ranch into Generations Park at Boys Ranch.**

This item was approved by consent.

### **PERSONS TO BE HEARD**

6. **The following individual requested to speak to the Council under Persons to be Heard:**

- a) **Daniel Bennett, 408 Pemberton, White Settlement, Texas 76108 - requests to speak to Council regarding a letter from Senator Jane Nelson to the Tarrant Appraisal District Board of Directors and HB988.**

Daniel Bennett, 408 Pemberton, White Settlement, Texas 76108 – Mr. Bennett discussed a letter sent by Senator Jane Nelson to the Tarrant Appraisal District (TAD) Board requesting an investigation into whether software used by TAD played a role in an increased number of protests as compared to other metropolitan counties. He stated the letter was suppressed by TAD as no board member saw it until it was put in their meeting packet, and the online packet did not contain the letter. He stated the letter was not allowed to be discussed at the Board meeting on June 5, 2020 but the Board did vote three to two for services to perform a functional audit of the software. After the meeting, two members asked to be recalled and Mr. Bennett stated he sued TAD, the

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board members, and eight taxing units about the misuse of the recall statute. He discussed what he felt was the vacuum in leadership at TAD by not calling a meeting to address Senator Nelson's letter. He further discussed House Bill 988, which amended the voting procedures for most appraisal boards whereby the governing bodies of entities that are entitled to cast at least five percent of the total votes must determine its vote by resolution at the first or second open meeting held after the date the chief appraiser delivers the ballot to the entity, and the entity must submit its vote not later than the third day after the resolution is adopted.

### **NEW BUSINESS**

Development Director Andrea Roy introduced new Neighborhood Services/Planning Manager Wes Morrison.

- 7. Public hearing and consider an ordinance to rezone Lot A3, Block 27, Stonegate Addition-Bedford, located at 1320 Brown Trail, Bedford, Texas, from Light Commercial (L) to Light Commercial/Specific Use Permit/Dog Kennel specific to Section 3.2.C(9)n of the City of Bedford Zoning Ordinance, allowing for Fur Friends DFW to operate a Dog Grooming/ Daycare/Boarding business. The property is generally located on the east side of Brown Trail, between Bedford Road and Gold Hawk Lane. (PZ-SUP-2021-50051)**

Mr. Morrison presented information regarding this item, which is for a specific use permit (SUP) to allow a dog grooming, day care, and kennel business at 1320 Brown Trail. He discussed the surrounding land uses and stated the property is currently zoned Light Commercial and is approximately 1,900 square feet with eight parking spaces. The grooming use is allowed by right in the zoning district, but the boarding aspect requires a SUP. Mr. Morrison presented an overview of the site plan and stated the applicant is not proposing many changes to the current site. He stated the minimum standards for dog kennels include no outdoor boarding of animals adjacent to residentially zoned properties, and the applicant is not proposing outdoor kennels. Further, the outdoor exercise areas may not be located within 50 feet of residentially zoned properties, and the applicant is not requesting a deviation from that regulation. Possible conditions Council could include to the SUP are a limit to the number of animals on site at one time and to limit the hours of the outside exercise area. Eleven notices were sent to neighboring property owners and no responses were received. The Planning and Zoning Commission unanimously recommended for approval of this item, with the condition that any outdoor activities after 8:30 p.m. be supervised by an employee.

Mayor Boyter opened the public hearing at 7:28 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:29 p.m.

In response to a question from Council, the applicant, Mark Store, 2707 Silver Leaf Court, Grapevine, stated they may have employees stay with any animals being boarded overnight, with business hours probably being 7:00 a.m. to 8:00 p.m. seven days a week. He further stated they plan on keeping animals penned beyond the 50-foot distance while outside and therefore would not need to build a permanent fence.

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There was discussion on the applicant possibly going before the Zoning Board of Adjustment for a variance on the 50-foot distance regulation, including adding language to the SUP prohibiting the applicant asking for such variance.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance to rezone Lot A3, Block 27, Stonegate Addition-Bedford, located at 1320 Brown Trail, Bedford, Texas, from Light Commercial (L) to Light Commercial/Specific Use Permit/Dog Kennel specific to Section 3.2.C(9)n of the City of Bedford Zoning Ordinance, allowing for Fur Friends DFW to operate a Dog Grooming/ Daycare/Boarding business, with the stipulation recommended by the Planning and Zoning Commission. The property is generally located on the east side of Brown Trail, between Bedford Road and Gold Hawk Lane. (PZ-SUP-2021-50051)

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

**8. Public hearing and consider an ordinance to rezone Lot 8 and N PT 7, Block 6, Bell-Hurst Addition, located at 1220 Brown Trail, Bedford, Texas, from R-7500/SP (Residential Single-family detached/Special Permit-Professional Office Only) to PUD-S (Planned Unit Development/Service Commercial). The property is generally located at the southeast corner of Brown Trail and Gaye Street. (PZ-SUP-2021-50052)**

Mr. Morrison presented information regarding this item. He discussed the surrounding land uses and stated the property was originally zoned R-7500 and developed in the 1960s into an approximately 1,500 square foot single family home. It was subsequently rezoned with a SUP for professional office only. The applicant is requesting to rezone the property to Planned Unit Development/Service Commercial, which is one of the most restrictive zoning districts, including prohibiting outdoor storage or display. He stated if the applicant decides to change or add anything to the development plan, they would be required to go through the zoning process again. The Comprehensive Land Use Plan shows the property to be residential but it both borders commercial land uses and is in the commercial focus area. There are ten parking spaces on the site. Eighteen notices were sent to the surrounding property owners and no responses were received. The Planning and Zoning Commission recommended approval of this item by a vote of 6-1-0. Mr. Morrison stated the main topic of discussion during the Commission meeting was the development plan and uses allowed in the zoning district, including restaurants.

Mayor Boyter opened the public hearing at 7:40 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:41 p.m.

In response to questions from Council, Mr. Morrison stated the zoning change request was prompted by the property owner wanting greater marketability for the lease space.

Motioned by Councilmember Cogan, seconded by Councilmember Steves, to approve an ordinance to rezone Lot 8 and N PT 7, Block 6, Bell-Hurst Addition, located at 1220 Brown Trail, Bedford, Texas, from R-7500/SP (Residential Single-family detached/Special Permit-Professional Office Only) to PUD-S (Planned Unit Development/Service Commercial). The property is generally located at the southeast corner of Brown Trail and Gaye Street. (PZ-SUP-2021-50052)

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

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### **9. Discussion and consideration of all matters incident and related to the issuance and sale of "City of Bedford, Texas, General Obligation Bonds, Series 2021", including the adoption of an ordinance authorizing the issuance of such bonds.**

Finance Director Maria Joyner presented information regarding this item. She stated this and the following items were the culmination of the City's efforts to improve the streets throughout Bedford. The bond issuances were approved by the Street Improvement Economic Development Corporation (SIEDC) board at their meeting on June 15, 2021 in the amount of \$6,200,000 supported by the quarter cent 4B sales tax. The SIEDC reserves will be higher than anticipated due to the good interest rates the City received, which then can be used for residential street improvements. She stated the General Obligation bonds in the amount of \$2,165,000 were authorized by the voters in 2001 but were not issued.

Adam LanCarte with Hilltop Securities presented information on the bid results. He stated eight bids were received, with the winning bid being from American National Bank at an interest rate of 1.107 percent. The debt service averages approximately \$227,000 per year.

Motioned by Councilmember Culver, seconded by Councilmember Almendarez, to approve an ordinance and all matters incident and related to the issuance of City of Bedford, Texas, General Obligation Bonds, Series 2021", including the adoption of an ordinance authorizing the issuance of such bonds.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

### **10. Discussion and consideration of all matters incident and related to the issuance and sale of "City of Bedford, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021A", including the adoption of an ordinance authorizing the issuance of such certificates of obligation.**

Mr. LanCarte stated this item is for certificates of obligation in the amount of \$4,150,000 for street and public utility purposes, which would be amortized over ten years. Eight bids were received with the winning bid being from American National Bank at 1.07 percent.

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, to approve an ordinance and all matters incident and related to the issuance of the City of Bedford, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2021A, including the adoption of an ordinance authorizing the issuance of such bonds.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

### **11. Call a public hearing on the proposed FY 2021-2022 budget to be held on September 7, 2021 at 6:00 p.m. in the City Hall Council Chambers.**

Motioned by Councilmember Gagliardi, seconded by Councilmember Culver, to call a public hearing on the proposed FY 2021-2022 budget to be held on September 7, 2021 at 6:00 p.m. in the City Hall Council Chambers.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

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### **12. Consider a proposed tax rate and set the public hearing on the proposed tax rate, if required.**

Ms. Jakubik presented information regarding this item, which is to set the maximum tax rate the Council would consider on September 14, 2021. Further, it is to call a public hearing on the proposed tax rate for September 7, 2021 if the maximum tax rate is higher than the No-New Revenue Rate of \$0.549319 per \$100 valuation. The Voter-Approved Tax Rate is \$0.552691 per \$100 valuation, which due to the timing of the budget, is the highest Council could consider. The rate recommended by staff and used to calculate the revenue figures in the proposed budget is \$0.552 per \$100 valuation, which is a three percent reduction in the current rate of \$0.569 per \$100 valuation.

Motioned by Councilmember Sabol, seconded by Councilmember Steves, to consider a tax rate of \$0.552 per \$100 assessed valuation to be voted on the September 14, 2021 agenda, and schedule a public hearing to discuss the tax rate on Tuesday, September 7, 2021 at 6:00 p.m. at Bedford City Hall.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

### **13. Consider a resolution authorizing the City Manager to approve a proposed change order with Steele & Freeman, Inc. for the installation of a fence and concrete flume along the berm on the west side of Generations Park.**

Dennis Haar with Halff Associates stated Council requested the company look at the northwest corner of the Generations Park property at their meeting on July 27, 2021 based on citizen comments. Their original design for the west berm maintained the current conditions. Proposed modifications include a seven-foot concrete flume, which will have the outfall at the lake and an eight-foot screening fence just off the crest of the berm. The fence would have altering sections to allow access for maintenance crews. He stated the drainage design takes into consideration the possible future development of the northern portion of the property and presented an overview of drainage design considerations.

Mr. Haar discussed the fence, including concrete and cedar wood options. He stated the wood fence would have lower capital costs and be easier to maintain. All options, in combination with the trees, would provide screening of the park and a majority of the recreation center from the residents.

In response to questions from Council, Mr. Haar stated the concrete fence would be more durable but would be harder to maintain than a wood fence, and staff themselves could replace a wood fence in the future. He further stated the design for the west berm includes irrigation for the trees. There was discussion on the potential sound reduction with the various fence options and that most of the sound reduction would come from the trees; difficulties in maintaining cedar fences; Council's desire for artwork on the fence; using anti-graffiti paint on the fence; the visibility of the flume; moving the trees to the residential side of the fence; the types of trees included in the landscaping; and investing in taller and/or more trees. Project Manager Gary Johnson stated the net difference between the cedar wood and concrete fences would be \$74,500 and the cost of the fence would come out of the contingency for owner's betterment in the contract with Steele & Freeman.

There was further discussion on the fence option, the original location of the proposed recreation center, and the desire of the residents along the northwest area of the Park.

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Motioned by Councilmember Culver, seconded by Councilmember Almendarez, to approve a resolution authorizing the City Manager to approve a proposed change order with Steele & Freeman, Inc. for the installation of a concrete fence and concrete flume along the berm on the west side of Generations Park and to have the trees be located on the residents' side of the fence.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

**14. Consider a resolution authorizing the City Manager to approve a proposed change order in the amount of \$80,644.50 with Steele & Freeman, Inc. to include in their scope of work a computer controlled electronic card access and security system.**

Mr. Johnson presented information regarding this item. He stated a previous project manager had suggested doing the card access and security system separate from the construction of the building. He felt it better that the general contractor does as much as possible under one contract. Staff received a preliminary quote from the City's current vendor that came in over \$200,000, while Steele & Freeman received a quote of \$80,644.50. The costs would come out of the bond funds for furniture, fixtures, and equipment and he stated that though the guaranteed maximum price with Steele & Freeman would change, the cost of the project would not.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to approve a proposed change order in the amount of \$80,644.50 with Steele & Freeman, Inc. to include in their scope of work a computer controlled electronic card access and security system.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

In response to questions from Council, Mr. Johnson confirmed the project is on time and under budget.

**15. Consider a resolution authorizing the City Manager to enter into an agreement with documentWORKS for managed print services.**

Assistant City Manager Cliff Blackwell presented information regarding this item, which is for managed print services, including the replacement of 36 devices with new copiers and printers. He discussed assessments performed on the City's printing capabilities. The City entered into a 60-month lease agreement with Ubeo in 2017 at approximately \$8,000 a month but changes to printing volumes and capabilities since that time warranted a new assessment by DocumentWORKS. He stated the new agreement with documentWORKS addresses technology improvements and efficiencies. The agreement would be a 60-month lease and includes replacing the current copiers, removing some desktop printers, and removing all fax machines. The monthly cost would be approximately \$8,300, which is within budget.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to enter into an agreement with documentWORKS for managed print services.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

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### **16. Consider a resolution authorizing the City Council of the City of Bedford, Texas, to establish a Charter Review Commission; appoint members of the Commission; establish the duties and procedures of the Commission; and provide an effective date.**

City Secretary Michael Wells presented information regarding this item, which is to establish and appoint members to a Charter Review Commission, as directed by Council at their July 13, 2021 strategic planning session. He outlined the duties of the Commission from Section 11.17 of the Charter and stated the language and procedures in the resolution are practically the same as those used in the previous Commissions in 2007 and 2013. Further, in previous years, each Council Member selected two members, while the Mayor selected three.

Council's selections are as follows:

Councilmember Almendarez: Treasure Ford and Nichelle Dawkins  
Councilmember Cogan: Roy Morgan and Shenandoah Cronin  
Mayor Pro Tem Sabol: Tom Bresnahan and Jesse Owens  
Councilmember Steves: Mary Anna Callaway and Dorothy McWhorter  
Councilmember Culver: Tony Comparin and Rusty Sartor  
Councilmember Gagliardi: Tracy Madewell and Richard Spencer  
Mayor Boyter: Marty Geer, Yvonne Garcia, and Andrew Woolen

Councilmember Culver nominated Tony Comparin as chairperson of the Commission. Councilmember Almendarez nominated Nichelle Dawkins as chairperson. After discussion, Ms. Dawkins, who was in attendance, requested not to be appointed as chairperson.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Council of the City of Bedford, Texas, to establish a Charter Review Commission; appoint members of the Commission as discussed, including Tony Comparin as chairperson; establish the duties and procedures of the Commission; and provide an effective date.

Motion approved 7-0-0. Mayor Boyter declared the motion carried.

### **17. Mayor/Council Member Reports**

No reports were given.

### **18. City Manager/Staff Reports**

City Manager Jimmy Stathatos reminded Council to let staff know of any items they wanted to include in the budget with the discretionary funds. He stated the City received a portion of the American Rescue Plan Act funds of approximately \$6,000,0000 and staff will develop a process for the use of the funding.

### **EXECUTIVE SESSION**

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property**
  - a. Real property for redevelopment purposes**

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- b) Pursuant to Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - evaluation of the City Manager.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - real property for redevelopment purposes, and Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - evaluation of the City Manager, at 8:38 p.m.

Council reconvened from Executive Session at 8:47 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

**19. Take any action necessary as a result of the Executive Session.**

No action was necessary as a result of the Executive Session.

**ADJOURNMENT**

Mayor Boyter adjourned the meeting at 8:47 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary