

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON NOVEMBER 18, 2019 AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.**

**A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

The meeting was called to order by Mayor Mitcham at 7:00 p.m. with the following present:

Mayor, Andrew Mitcham	City Manager, Austin Bless
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Greg Holden	City Attorney, Justin Pruitt
Council Member, Bobby Warren	
Council Member, James Singleton	
Council Member, Gary Wubbenhorst	

Staff in attendance: Mark Bitz, Fire Chief; Kirk Riggs, Interim Chief of Police; Isabel Kato, Finance Director; Christian Somers, Building Official; Jason Alfaro, Director of Parks and Recreation; and Harry Ward, Director of Public Works.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

- 1. Prayer & pledge by: Drey Clark, Student Ministry Pastor, Champion Forest Baptist Church**

**C. PRESENTATIONS**

- 1. Presentation of Employee of the Month.**

The Employee of the Month Program was developed to encourage recognition of Jersey Village employees who show exemplary individual achievement, contribution, and performance in their jobs. These individuals consistently exhibit a positive and supportive attitude and make contributions beyond the usual expectations of their employment.

City Manager Austin Bless presented the November employee of the month award to Otilia Castro.

**D. CITIZENS' COMMENTS**

**Any person who desires to address City Council regarding an item on the agenda will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are not allowed to discuss the subject. Each person is limited to five (5) minutes for comments to the City Council.**

**Mark Maloy, 7803 Hamilton Circle, Jersey Village, Texas (713) 553-8625:** Mr. Maloy spoke to Council about the amount of taxpayer dollars being spent on the City owned golf course. He stated that the original 126 acres purchased for the golf course are still being paid for by taxpayers. He stated that no matter what resident input is received by the Council concerning the golf course, he feel that Council wants to keep the course. He spoke about the planned berm to help with mitigating flooding. He does not believe that the berm, as currently designed, will help with flooding because the berm is not high enough. Instead, he believes that the course should be

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repurposed into a large detention basin with green space for a park since this would better serve to mitigate flooding.

**Karie Lawrence, 8410 Achgill, Jersey Village, Texas (713) 301-5931** – Ms. Lawrence spoke to her recent move. She had initially anticipated a move outside of Jersey Village, but because of her love for the City she moved from one area of the city to another. She told City Council that the City’s biggest draw for new residents is the City golf course. She enjoys the facility even though she is not a golfer. She has attended many events put on by the Jersey Village Senior Outreach group and found the facility very accommodating. There are many things to do at the golf course. Recently, the senior’s group was given a tour of the facility by City Staff. The facility offers many amenities and a beautiful golf course.

**Michael Stembridge, 15422 Jersey Drive, Jersey Village, Texas (713) 983-8647:** Mr. Stembridge spoke to his concern about taxation without representation in connection with residents living on other streets getting included in the home elevations program when he has asked for the past four (4) years to be included and has had no results. He stated that he has been offered a tear-down/rebuild option, but feels it is not fair that he cannot be included in the elevation program.

**Curtis Haverty, 15405 Ashburton, Jersey Village, Texas (713) 896-8408:** Mr. Haverty spoke to City Council about the Jersey Village Fire Department. He told City Council that last month the Fire Department responded to a house fire at 7:45 a.m. and arrived on the scene of the fire by 7:50 a.m. Upon arriving, the firemen found flames coming out the roof and on one side. During the first few minutes upon arrival, there was much activity. There were no humans in the burning home, but firemen were told there was a dog still inside the home. Accordingly, a search was made to locate the dog, but no dog was located inside the burning home. EMT’s soon arrived on the scene. They had a bird’s eye view of all the action and it was amazing to watch. The fire was put out and the investigation of the fire was completed at 12:30 p.m. The Jersey Village Fire Department is a department that really makes a difference and it is manned by volunteers. He thanked the Department and volunteers for all that they do to make Jersey Village a safe place to live.

**Merrilee Beazley, 14910 Lakeview Drive, Jersey Village, Texas (346) 332-6074:** Mrs. Beazley thanked the City Manager and the City Council for firing Police Chief Eric Foerster. She explained that she had made an open records request for the termination letter and was horrified by what she read. She resents that she has paid his salary for some ten (10) years and feels that the City Manager and others knew that this was going on for a long time. She stated that the City spent some \$8,000 to conduct an investigation. She then began to read the termination letter.

**E. CITY MANAGER’S REPORT**

City Manager Bless gave his monthly report as follows:

- 1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, Property Tax Collection Report – September 2019, General Fund Budget Projections as of October 2019, and Utility Fund Budget Projections – October 2019.**

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2. **Open Records Requests – Non-Police**
3. **Fire Departmental Report and Communication Division’s Monthly Report**
4. **Police Activity Report, Warrant Report, Investigations/Calls for Service Report, Staffing/Recruitment Report, and Police Open Records Requests**
5. **Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report**
6. **Public Works Departmental Summary and Public Works Departmental Status Report**
7. **Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary, Golf Course Social Media Summary Report, and Parks and Recreation Departmental Report**
8. **Report from Code Enforcement**
9. **City Social Media Summary Report**

**F. CONSENT AGENDA**

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

1. **Consider approval of the Minutes for the Regular Session Meeting held on October 14, 2019.**
2. **Consider Resolution No. 2019-74, receiving the Capital Improvements Advisory Committee’s November 2019 Semiannual Progress Report.**

RESOLUTION NO. 2019-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE’S NOVEMBER 2019 SEMIANNUAL PROGRESS REPORT.

3. **Consider Resolution No. 2019-75, casting its ballot for the election of Mike Sullivan to the Board of Directors of the Harris County Appraisal District.**

RESOLUTION NO. 2019-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.

4. **Consider Ordinance 2019-38, amending the General Fund Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 by increasing line items 01-11-5028 (Texas Legislative Services) in the amount not to exceed \$1 and to change**

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**the name of account number 01-11-5025 from “Public Notices” to “Newspaper Notices.”**

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY INCREASING LINE ITEM 01-11-5028 (TEXAS LEGISLATIVE SERVICES) IN THE AMOUNT NOT TO EXCEED \$1.

- 5. Consider Resolution No. 2019-76, authorizing an agreement with Jones and Carter, Inc. for engineering services related to the MS4 Program.**

RESOLUTION NO. 2019-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING AN AGREEMENT WITH JONES AND CARTER, INC. FOR ENGINEERING SERVICES RELATING TO THE STORM WATER MANAGEMENT PROGRAM.

Council Member Wubbenhorst moved to approve items 1 through 5 on the consent agenda. Council Member Warren seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

**G. REGULAR SESSION**

- 1. Consider Ordinance No. 2019-39, ratifying the agreement for interim Police Chief services with Strategic Government Resources and amending the General Fund Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 by increasing line items 01-21-5515 (consultant services) in the amount of \$51,840.**

Austin Bless, City Manager, introduced the item. Background information is as follows:

Since October 25 the Police Chief position has been vacant. The Fire Chief was named the Acting Public Safety Director. However, it is my belief that an Interim Police Chief is necessary so that the other staff can focus on their areas of expertise. Under the purchasing policies, I executed an agreement with Strategic Government Resources (SGR) for an interim Police Chief.

The City has a history of utilizing interim services to help fill vacancies. Previously the city has used interim services for positions such as the Public Works Director and City Secretary.

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By utilizing these services we can ensure the department maintains a high performing level of service, while at the same time providing us with an outside person who has decades of experience in police departments and as a Police Chief to guide us for the next few months. I anticipate the length of time for these services to be between four and six months.

I am asking the Council to ratify the agreement with SGR for the Interim Police Chief Services. Staff has also prepared a budget amendment to fund these services. The money for this will come out of the salary and benefits line items and be placed in the consultant services line to be paid. Right now the budget amendment covers four months of services. If more than that is needed staff will prepare an additional budget amendment at that time.

With limited discussion on the item, Council Member Wubbenhorst moved to approve Ordinance No. 2019-39, ratifying the agreement for interim Police Chief services with Strategic Government Resources and amending the General Fund Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 by increasing line items 01-21-5515 (consultant services) in the amount of \$51,840. Council Member Holden seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

ORDINANCE NO. 2019-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RATIFYING THE AGREEMENT FOR INTERIM POLICE CHIEF SERVICES WITH STRATEGIC GOVERNMENT RESOURCES AND AMENDING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 BY INCREASING LINE ITEMS 01-21-5515 (CONSULTANT SERVICES) IN THE AMOUNT OF \$51,840.

- 2. Consider Resolution No. 2019-78, authorizing the City Manager to enter into a contract with Clark Condon for Phase 2 of the design and construction management of the gateway and wayfinding signs project.**

Jason Alfaro, Director of Parks and Recreation, introduced the item. Background information is as follows:

In February of 2018, the City Council approved a Gateway and Wayfinding Master Plan that was prepared by Clark Condon. The approved master plan has identified areas throughout the City that require new or enhanced gateway and wayfinding signage. The Gateway And Wayfinding Master Plan went through a public input process and through that process a basic design of the signs and materials were provided. Through this master plan the City Council has identified areas in the City where new entrance and wayfinding

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signs are needed, and have allocated funds for this upcoming fiscal year to construct signs at those locations.

During the September 2018, City Council meeting, Council was presented with a statement of qualifications from Clark Condon for the design and construction management of the gateway and wayfinding signs. Since that time, City Staff has worked with Clark Condon to finalize designs for areas identified in the plan. During the October 14, 2019 meeting, City Council approved the City Manager to enter into a contract with Republic Masonry & Fencing LLC. to construct the selected gateway and marquee signs.

The second phase of the project will include eight (8) total sign locations. Five of these locations were previously explored in Phase 1, while three (3) locations are new to Phase 2. Two of the new locations identified in phase 2 are the large gateway monuments at the intersections of Eldridge and Highway 290, and Philippine and Beltway 8. The last new location identified in Phase 2 is the small gateway monument at the intersection of West Road and Highway 290.

The costs in Phase 1 have stayed under budget with council allocating \$1,000,000 for each phase of construction, for a total project cost of \$2,000,000. In Phase 1 we budgeted \$200,000 for the design and construction with Clark Condon and the construction bid is roughly \$279,000 for a total cost of \$479,000 for the first phase of construction. Although we have completed design on all sites of Phase 1 we still have five (5) sites we are working to obtain agreements and easements from Harris County and TXDOT. These sites will be delayed in the project in order to obtain the appropriate agreements and easements.

The proposed contract with Clark Condon for the second phase has up to \$130,000 for the preliminary design, design development, construction documents, bidding, and construction administration. It is estimated that we will be out to bid on this project in the summer of 2020. All of the bids would come back to Council for approval prior to work commencing, as required.

City Staff recommends a motion to authorize the City Manager to sign a contract with Clark Condon for phase 2 of the design and construction management of the gateway and wayfinding signs.

Council engaged in discussion about the cost of Phase 1, which was some \$479,000 and included design and construction costs. The status of Phase 1 was also discussed. Construction on Phase 1 is to begin in the next couple of weeks. Phase 2 work will complete the project.

Council wondered if there would be any problems with TXDOT and with Harris County. Mr. Alfaro told Council that he did not foresee any major issues.

The cost of Phase 2 was discussed. It is less than Phase 1 because most of the signs were included in Phase 1 which comprised 75% of the entire project. Before considering the Resolution, Council briefly discussed the location of the signs.

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With no further discussion on the matter, Council Member Wubbenhorst moved to approve Resolution No. 2019-78, authorizing the City Manager to enter into a contract with Clark Condon for Phase 2 of the design and construction management of the gateway and wayfinding signs project. Council Member Wasson seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2019-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CLARK CONDON FOR PHASE 2 OF THE DESIGN AND CONSTRUCTION MANAGEMENT OF THE GATEWAY AND WAYFINDING SIGNS PROJECT.

**3. Consider Resolution No. 2019-79, authorizing the City to apply for the FEMA FY19 FMA Grant to elevate homes.**

Austin Bless, City Manager, introduced the item. Background information is as follows:

Once again we would like to continue the home elevation grants program. This year I am proposing to apply for a grant to elevate 32 homes.

The total grant amount requested would be \$9,223,850. The City match would be \$803,551. So the total project cost is \$10,027,401, which means the City's share is about 8%.

With our Benefit Cost Analysis of 1.23 and staying below a federal grant request of \$10 million our grant application should be very competitive this year. For comparison our BCA in 2018 was 1.31, and in 2017 was 1.52.

City Manager Bless gave a PowerPoint presentation concerning the home elevations grant program, which included information on the following topics:

- How it Works;
- Acquisition/Demolitions & Elevations;
- Repetitive Loss;
- Severe Repetitive Loss;
- Elevations;
- Eligible Costs for Elevations;
- Ineligible Costs for Elevations;
- Eligibility;
- Benefit Cost Analysis;

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- Timeline;
- This Year’s Grant Application;
- Staff Recommendations;
- Staff Analysis;
- Other Things to Note; and
- Future Years

Council discussed the process and the logic behind selecting the three (3) basic areas within the City being considered for home elevations. City Manager Bless explained that the areas were chosen based upon the City’s best chance of receiving the grants, given that grants are distributed based upon “Cost Benefit Analysis” numbers.

Council also discussed the cost of elevating homes is dependent upon the location of the homes in relation to each other. With this in mind, it is better to have all homes that are to be included in the grant application to be located fairly close to each other as this enhances the cost benefit analysis and increases the City’s chances of having a successful application.

The teardown/rebuild project was discussed for East Jersey Drive and the status of same. City Manager Bless explained that we will know within the next six (6) months if this program will materialize. If not, at that time, we can decide if those homes can be added to the home elevation list.

With limited discussion on the matter, Council Member Warren moved to approve Resolution No. 2019-79, authorizing the City to apply for the FEMA FY19 FMA Grant to elevate homes. Council Member Wubbenhorst seconded the motion. The vote follows:

Ayes: Council Members Wasson, Holden, Warren, Singleton, and Wubbenhorst

Nays: None

The motion carried.

RESOLUTION NO. 2019-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR THE FEMA FY19 FMA GRANT TO ELEVATE HOMES.

- 4. Discuss and take appropriate action concerning a progress report from the Owners of the property located at 16884 NW FWY, Jersey Village, Texas concerning the progress on the performance of the permitted work required under Ordinance 2019-11, which found the structures on the Property to be substandard and a public nuisance; ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days; authorized the repair or demolition of the structures on the Property if the owners fail to abate the**



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**substandard and dangerous structures; authorized a lien against the Property for the costs of repair or demolition; and made other findings and provisions related thereto.**

Christian Somers, Building Official, introduced the item. Background information is as follows:

On May 13, 2019, City Council approved Ordinance No. 2019-11, which found the structures on the Property located at 16884 NW FWY to be substandard and a public nuisance and ordered JERSEY VILLAGE LODGING, LLC to abate the substandard and dangerous structures on the Property within 180 days.

Since May 13, 2019, Council has received progress reports on compliance with Ordinance No. 2019-11 on June 17, 2019, July 15, 2019, August 19, 2019, September 16, 2019 and October 14, 2019.

In completing the October 14, 2019 progress report, City Council expected the following items to be completed by the next progress report on November 18, 2019:

- 1) Pick up the Master Building Permit on Wednesday, October 23, 2019;
- 2) Pay the Hotel Taxes; and
- 3) Adequate fencing to secure the property during construction.

To date, the following actions have been taken by the property owner:

- 1) The Master Building Permit was picked up on October 16, 2019;
- 2) The Hotel Taxes have not been paid; and
- 3) The temporary construction fencing has been relocated such as to prevent entry to the property from the East and the South. It is installed across Meadow Drive and from the Pool across to Building 1 and down to the South-end. The complex is now secure in the sense that there should be construction activity soon.

This item is to receive the sixth progress report and take any action deemed appropriate.

Mr. Somers told the Council that the plan for moving forward with reconstruction is as follows:

- 1) Bring in up to 4 dumpsters, each 40 CY and at least one truck to constantly haul away furniture first, then fixtures;
- 2) Then clean-up crews – though some rooms will have additional demolition, as per plans and -- most importantly -- where warranted;
- 3) For security, the City will allow a later-model fifth-wheel to be parked onsite and remain onsite;
- 4) Building One will be tackled first. This is the building connected to the lobby / offices and is located behind Taquerias Arandas; and
- 5) Lot will be mowed/maintained biweekly – including the rear of Buildings Two & Three and the pool area where there have been issues with maintenance.

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Kathlyn Jones with Patel Gaines, Attorneys at Law, representing Jersey Village Lodging, LLC was present. She confirmed the plan for moving forward.

Council stated that the next meeting is set for December 16, 2019 at 7 PM.

**H. MAYOR AND COUNCIL COMMENTS**

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality;
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

**Council Member Wubbenhorst:** Council Member Wubbenhorst welcomed Chief Riggs to the City.

**Council Member Singleton:** Council Member Singleton also welcomed Chief Riggs. He congratulated the employee of the month and he thanked the Jersey Village Fire Department for all that they do.

**Council Member Wasson:** Council Member Wasson thanked the Jersey Village Fire Department for doing a great job.

**Council Member Holden:** Council Member Holden welcomed Chief Riggs.

**Council Member Warren:** Council Member Warren also welcomed Chief Riggs. He thanked the Jersey Village Fire Department for all that they do and he thanked Curtis Haverty for his firsthand account of the firefighting efforts that went into the recent home fire in Jersey Village. He also thanked the boy scouts for attending the meeting.

**Mayor Mitcham:** Mayor Mitcham thanked everyone for attending the meeting and for their comments. He thanked the Jersey Village Fire Department for their work and he welcomed Chief Riggs. He invited everyone to come out to the Golf Course to enjoy s'mores and a movie on December 13.

**I. RECESS THE REGULAR SESSION**

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Mayor Mitcham recessed the Regular Session at 7:59 p.m. to convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.072 Real Property and Section 551.071 Consult with Attorney.

**J. EXECUTIVE SESSION**

- 1. Pursuant to the Texas Open Meeting Act Section 551.072 Deliberations about Real Property and Section 551.071 Consultations with Attorney, a closed meeting to deliberate the possible exchange, sale or value of property located at RES D 1 through 5, of Block 3, DIRECTORS LT, NORTHWEST STATION SEC 1.**
- 2. Pursuant to Texas Open Meetings Act Section 551.071, Consultation with Attorney, conduct a private consultation in a closed meeting with its attorney about contemplated litigation and matters in which the duty of the attorney under the Tex. Disciplinary R. Prof'l. Conduct conflicts with the Act, related to the police chief.**

**K. ADJOURN EXECUTIVE SESSION**

Mayor Mitcham adjourned the Executive Session at 8:45 p.m. and reconvened the Regular Session, stating that no final actions, decisions, or votes were had during the Executive Session.

**L. RECONVENE THE REGULAR SESSION**

- 1. Discuss and take appropriate action regarding the possible exchange, sale or value of property located at RES D 1 through 5, of Block 3, DIRECTORS LT, NORTHWEST STATION SEC 1.**

No Discussion. No Action

- 2. Discuss and take appropriate action on the item deliberated on in Executive Session regarding contemplated litigation and matters in which the duty of the attorney under the Tex. Disciplinary R. Prof'l. Conduct conflicts with the Act, related to the police chief.**

No Discussion. No Action

**M. ADJOURN**

There being no further business on the Agenda the meeting was adjourned at 8:50 p.m.



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Lorri Coody, City Secretary