

October 26, 2023 Public Hearing Minutes

Mayor Mary Condon called the public hearing to order at 6:30 pm to hear public comments and/or concerns regarding the consideration an ordinance requesting a zoning change request on the following properties:

- Proposed rezoning request from Florence RV Park LLC, with permission from owners Jeff and Cristy Daniell, to rezone from Agriculture District (AG) to a Planned Development District (PD) – WCAD Parcel R010605 also known as 12331 W FM 487, FLORENCE, TX 76527. **NO PUBLIC COMMENTS.** Mayor Mary Condon closed the public hearing at 6:33 p.m.

October 26, 2023 Minutes

The Florence City Council met on October 26, 2023, with Mayor Mary Condon presiding and Council members Amy Hansson, Debra Bartos Cahill, Lesa Ragsdale and Mike Harrell were present. Denise Deichmann was absent.

Staff members present: Mary Dixon, Adam Marsh, Stacey Adams, Daniel Ortiz, Josh Teitge

Legal Counsel present: Randy Stump via Zoom Meeting

Guests present: Peggy Morse, Jeff and Cristy Daniell, Anthony Goode, Ashvin Patel

Mayor Mary Condon called the meeting to order at 6:34 p.m.

Alderman Mike Harrell provided Invocation at 6:36 p.m.

Mayor Mary Condon asked any Guests addressing the Council to speak at this time. **No Public comments.**

5. Conference with Attorney. Mayor Mary Condon, City Council, and Mary Dixon, Interim City Secretary, and City Attorney Randy Stump via Zoom adjourned into one or more executive session(s) under Sec. 551.071(1)(A) and/or (B) of the Texas Government Code, and/or Sec. 551.071(2) of the Texas Government Code at 6:55 p.m. for discussion of matters in which the governmental body seeks the advice of its attorneys about (i) pending or contemplated litigation; or (ii) a settlement offer; or (iii) on one or more matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Open Meetings Act, including without limiting the generality of the foregoing the swimming pool contract.

6. Conference with Attorney. Mayor Mary Condon, City Council, and Mary Dixon, Interim City Secretary, and City Attorney Randy Stump via Zoom adjourn into executive session seeking legal advice from City Attorney regarding potential litigation involving possible action regarding warranty on defective swimming pool lining with Hartland Park & Recreation LLC and the City of Florence ("Swimming Pool Contract") under Sec. 551.071 (1)(A) and /or (B) of the Texas Government Code, and/or Sec. 551.071 (2) of the Texas Government Code concerning matters in which the duty of the City Attorney and City legal counsel under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with the Open Meetings Act regarding and matters related thereto.

7. Mayor Mary Condon, City Council, and Mary Dixon, Interim City Secretary, adjourned into Open Session at 7:09 p.m. for consideration and action, if any, arising out of the conference(s) with City Attorney about any of the matters described in items 5 and 6 above. Debra Bartos Cahill made the motion to accept the City Attorney recommendation of \$36,500.00 settlement, to be paid in four (4) payments, beginning 11/15/2023; pending receipt and approval of the warranties by City Attorney, Randy Stump, for item 5 above; as discussed in closed session. Amy Hansson seconded the motion. Mayor Mary Condon asked to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

Debra Bartos Cahill made the motion to accept the recommendation of the City Attorney Randy Stump, for item 6 above in regards to waiting to pursue the defective swimming pool lining until further review of the warranty and potential class action lawsuit; as discussed in closed session. Lesa Ragsdale seconded the motion. Mayor Mary Condon asked to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

8. Debra Bartos Cahill made the motion to approve the Planning and Zoning's recommendation to accept the proposed rezoning request from Florence RV Park LLC, with permission from owners Jeff & Cristy Daniell, to rezone from Agriculture District (AG) to a Planned Development District (PD) – WCAD Parcel R010605 also known as 12331 W FM 487, FLORENCE, TX 76527.1. Lesa Ragsdale seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

9. Debra Bartos Cahill made the motion to approve the 1st reading of ordinance No 10262023-01 amending of ord No. 04042023-01 (ord No. 7-7-98, ord No. 09-04-01, ord No. 03-05-02, ord No. 05-11-04, ord No. 110607-01, ord No. 04072009-01, ord No. 10252011-02, ord No. 08122013-05, ord No. 09062016-01, and ord No. 06292018-01) providing for the codification of increased water and sewer utility rates for customers in and outside city limits, based upon size of meters and charge to customer; providing for repeal of conflicting ordinances; providing for publication; providing for an effective date. Mike Harrell seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for
Debra Bartos Cahill-for
Motion carried.

10. Debra Bartos Cahill made the motion to get a 3rd quote from Pump Solutions to rebuild the lift station pumps at the WWTP but with allowing the Mayor and Director of Public Works (Interim) the options to proceed with accepting the existing quote, not to exceed \$8555.00, to not prolong the delay of repair if 3rd quote is not attainable. Lesa Ragsdale seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried.

11. Debra Bartos Cahill made the motion to approve the estimate not to exceed \$23,000 for a 200 amp outdoor manual transfer switch at well #4 and a 200 amp outdoor manual transfer switch and power disconnect at well #2. Lesa Ragsdale seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried.

12. **Personnel Matters.** Mayor Mary Condon and City Council, adjourned into executive session at 7:38 p.m. under Sec. 551.074 (a) (1) and/or (2) of the Texas Government Code, for discussion of Personnel Matters including, without limiting the generality of the foregoing, consideration of the employment, evaluation, reassignment, or duties of Chief of Police, Adam Marsh.

13. Mayor Mary Condon and City Council reconvened into Open session at 7:49 pm concerning the consideration of the of the employment, evaluation, reassignment or duties of Chief of Police, Adam Marsh, pursuant to Section 551.074 (b) of the Texas Government Code, and take action, if any, concerning such matters, and any and all other matters related thereto. Debra Bartos Cahill made a motion to accept the resignation of Adam Marsh, Chief of Police. Amy Hannson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann-absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried.

14. **Personnel Matters.** Mayor Mary Condon and City Council, adjourned into executive session at 7:52 p.m. under Sec. 551.074 (a) (1) and/or (2) of the Texas Government Code, for discussion of Personnel Matters including, without limiting the generality of the foregoing, consideration of the employment, evaluation, reassignment, or duties of Lieutenant, Josh Teitge.

15. Mayor Mary Condon and City Council reconvened into Open session at 8:05 pm concerning the consideration of the of the employment, evaluation, reassignment or duties of Lieutenant, Josh Teitge, pursuant to Section 551.074 (b) of the Texas Government Code, and take action, if any, concerning such matters, and any and all other matters related thereto.

Debra Bartos Cahill made a motion to appoint Lieutenant, Josh Teitge Interim Chief of Police. Amy Hansson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann-absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

16. Debra Bartos Cahill made the motion to approve paying 25% (\$919.67) towards the remaining cost of \$3,678.67 that will be owed to Levior Energy for upgrading the lights at 106 S. Patterson to new energy efficient LED light fixtures through the Oncor program. Amy Hansson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- abstain

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

17. Debra Bartos Cahill made the motion to approve the 2023-2024 Eula Hunt Beck Florence Public Library Board members; as presented. Amy Hansson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried.

18. Debra Bartos Cahill made the motion to approve an additional part-time librarian; funded from a CD and potential grant. Lesa Ragsdale seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann- absent

Lesa Ragsdale- for

Mike Harrell - for

Amy Hansson- for

Debra Bartos Cahill-for

Motion carried

19. No action was taken on the proposal to extend the 6" water line on Preslar Avenue between South Street and Suttles Street; approximately 450 LF to complete a loop using K&R Flanigan Construction.

20. Debra Bartos Cahill made the motion to approve the quote for repairs from Don Hewlett to Unit 802, 2017 Chevrolet Tahoe; not to exceed \$ 3,940.65. Mike Harrell seconded the motion. Mayor Mary Condon ask to poll

the Council.
Denise Deichmann- absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried

21. Debra Bartos Cahill made the motion to establish a salary range of \$60,000 to \$70,000 for Chief of Police. Amy Hannson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann-absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried.

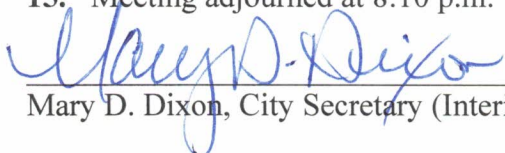
22. Debra Bartos Cahill made the motion to approve the expenditures. Amy Hannson seconded the motion. Mayor Mary Condon ask to poll the Council.

Denise Deichmann-absent
Lesa Ragsdale- for
Mike Harrell - for
Amy Hansson- for
Debra Bartos Cahill-for
Motion carried

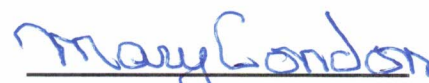
23. The next Council meeting is scheduled for Tuesday, November 14, 2023 at 6:00 p.m. Mayor Mary Condon polled the Council who would be present at the next meeting.

Lesa Ragsdale- confirmed
Denise Deichmann- absent
Mike Harrell- confirmed
Amy Hansson- confirmed
Debra Bartos Cahill- confirmed

15. Meeting adjourned at 8:10 p.m.


Mary D. Dixon, City Secretary (Interim)

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, TEXAS, this 14th day of November, 2022.


Mary Condon, Mayor

ATTEST:

Mary D. Dixon

Mary D. Dixon, City Secretary (Interim)