

CITY COUNCIL MEETING
January 22, 2004, 8:30 a.m.

CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
UPSTAIRS CONFERENCE ROOM, ABILENE CIVIC CENTER

The City Council of the City of Abilene, Texas, met in Regular Session on January 22, 2004, at 8:30 a.m. in Upstairs Conference Room of the Civic Center, 1100 North 6th Street. Mayor Grady Barr was present and presiding with Councilmen Anthony Williams, Kris Southward, John Hill, Jimmy McNeil, Norm Archibald and Councilwoman Kay Alexander. Also present were City Manager Larry Gilley, City Attorney Sharon Hicks, City Secretary Jo Moore, Assistant City Secretary Renee Scott, and various members of the City staff.

Councilman Hill gave the invocation.

Adam Cantu a second grade student from Fannin Elementary School, led the Pledge of Allegiance. Also present was Adam's mother, Sylvia Cantu and Mary Alice Escobedo, parent coordinator from Fannin Elementary.

DISPOSITION OF MINUTES

2.0 There being no corrections, additions, or deletions to the January 8, 2004 Regular City Council Minutes, Councilman Williams made a motion to approve the minutes as printed. Councilman Southward seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Hill, Southward, McNeil, Councilwoman Alexander, and Mayor Barr.

NAYS: None

CONSENT AGENDA

3.0 Councilman Southward made a motion to approve consent agenda item 3.1 as recommended by staff. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Archibald, Williams, Southward, Hill, McNeil, and Councilwoman Alexander, and Mayor Barr.

NAYS: None

Resolution:

3.1 Oral Resolution approving the appointment of Nancy Jones to the Graduate Advisory Board.

REGULAR AGENDA

Ordinances:

4.1 Shannon Meinhold, Planner for Planning and Development Services, briefed the Council on Z-00104, an Ordinance on second and final reading to rezone from AO (Agriculture Open Space) to RM-2 (Residential Multi-Family) zoning district, property located at 2828 Old Anson Rd.

Ms. Meinhold stated the applicant seeks to include the subject property in a low-income multi-family project to the north that Council approved a rezoning on last year. Ms. Meinhold further stated the additional land would be used for multi-family structures or parking for the project. Staff and the Planning & Zoning Commission recommend approval.

Mayor Barr opened a public hearing on the item, and there being no one present and desiring to be heard, the public hearing was closed.

Councilwoman Alexander made a motion to approve Z-00104, an Ordinance considered on second and final reading to rezone from AO (Agriculture Open Space) to RM-2 (Residential Multi-Family) zoning district, property located at 2828 Old Anson Rd. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Williams, Hill, McNeil, Southward, Archibald, Councilwoman Alexander, and Mayor Barr.

NAYS: None

The Ordinance is numbered **1-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING

4.2 Dustin Luensmann, Planner for Planning and Development Services briefed the Council on Z-05103, an Ordinance considered on second and final reading to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) zoning district, property located at 3310 & 3318 Russell Street.

Mr. Luensmann stated the applicant wishes to move his martial arts studio to the subject tracts and that the studio is currently located in the GC (General Commercial) district across the alley to the north of the proposed structure. Mr. Luensmann further stated LC (Limited Commercial) districts are intended for incorporation into residential areas and that LC activities would be compatible with surrounding land uses. Staff and the Planning & Zoning Commission recommend approval.

Council and staff discussion included: 1) screening requirements; 2) light shielding regulations; 3) signage; 4) LC (Limited Commercial) versus PDD (Planned Developed District); 5) and landscaping requirements.

Mayor Barr opened a public hearing on the item and the following individual addressed the Council:

- Hong H. Eth – applicant. Mr. Eth stated he is a native of Cambodia and has resided in Abilene since 1981. Mr. Eth further stated he opened his martial arts studio in 1996 and desires to expand his studio. Mr. Eth requested Council approve the re-zoning.

There being no one else present and desiring to be heard, the public hearing was closed.

Councilman Hill made a motion to approve Z-01503, an Ordinance considered on second and final reading to rezone from RM-3 (Residential Multi-Family) to LC (Limited Commercial) zoning district, property located at 3310 & 3318 Russell Street. Councilman McNeil seconded the motion, and the motion carried.

AYES: Councilmen Williams, Hill, McNeil, Southward, Archibald, Councilwoman Alexander, and Mayor Barr.

NAYS: None

The Ordinance is numbered **2-2004** and captioned as follows:

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT", SUBPART E, "ZONING", OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES, AS DESCRIBED BELOW, DECLARING A PENALTY, AND CALLING A PUBLIC HEARING.

4.3 Sharon Hicks, City Attorney briefed the Council on a Ordinance considered on second and final reading amending the Municipal Code of the City of Abilene by deleting Chapter 10 Fire Protection and Prevention, Article III: Fire Prevention Code, Division 2: Smoking, and adopting Chapter 13, Health and Sanitation, Article VI: Smoking; providing a severability clause, declaring a penalty.

Ms. Hicks noted at the January 8, 2004 Council meeting it was discussed that the ordinance modifies smoking prohibitions in public places and places of employment. The proposal prohibited smoking in any business or place open to the public with the following exceptions: private places, up to twenty-five percent (25%) of hotel and motel rooms, retail tobacco stores, a stand alone bar or nightclub, outdoor places of employment. Since that first meeting, there has been discussion about possible inequities of this proposal giving unfair economic advantage to stand-alone bars or nightclubs. Reviewing the "sports bar" concept in Abilene, it appears that many restaurants and bars which do not technically meet the definition of a stand alone bar, have areas that more closely resemble stand alone bars that cater to clientele watching sports in television rooms and playing games in game rooms. Ms. Hicks further stated the amendment now proposes a total smoking ban in all public places including stand alone bars and nightclubs and only allow smoking in private places such as private homes and cars, 25% of hotel rooms, retail tobacco stores, outdoor places of employment, and private clubs. Private Club means (1) a not for profit civic organization, service club, fraternal or patriotic organization, similar private membership organization; or (2) private country club; when admission is limited to members and members' guests, provided that this exception shall not apply to any organization established to avoid compliance with this ordinance. A restaurant, nightclub or bar cannot call itself a private club or charge nominal member fees to the general public to avoid compliance with the ordinance. A private club is considered a "public place" when functions are held at the club which are open to the general public and are not restricted to the members of the club. No change has been made to the progressives fine system for violations.

Ms. Hicks addressed the authority by which the City Council has to propose this type of ordinance, referencing the State Constitution and the Charter of the City of Abilene which states in Section 3 that the City Council may pass ordinances and enact such regulations as may be expedient for the maintenance of good government order and peace of the city and the welfare, health, morals, comfort and safety of its inhabitants. Therefore, the City of Abilene home rule law of the State of Texas and the City Charter authorizes the prohibition of smoking.

Ms. Hicks recognized Dr. Zane Travis, Chief Physician of the Abilene/Taylor County Health Department, who presented to the Council health statistics of second hand smoke.

Dr. Travis concluded his presentation stating he is in favor of the ordinance.

Mayor Barr stated the smoking ordinance issue does call for a public hearing, and Council wants to hear from all wishing to address the issue. The Mayor then offered the audience the opportunity to be recognized as a whole, by a show of hands both in opposition and in favor of the proposed ordinance. Following the show of hands Mayor Barr noted to allow time to hear all comments each speaker would be permitted to speak for 3 minutes. At the end of the 3 minutes a timer would ring and the speakers would be allowed an additional 30 seconds to conclude their remarks.

Mayor Barr then opened a public hearing on the item and the following individuals addressed the Council:

- **Justin Babbington – opposed.** Stated the proposed ordinance will hurt businesses and that it is an individuals right to smoke.
- **Homer Winkles, bar owner – opposed.** Stated it should be the choice of business owners to decide to permit smoking or not.
- **Dr. Hirsch, cancer doctor – proponent.** Addressed risks and dangers of smoking and second hand smoke to the health of individuals.
- **Breanna Goodlow, student at McMurry University – proponent.** Seeking employment in restaurants and is opposed to having to breathe second hand smoke at work.
- **John Sheppard – proponent.** Opposed to having to breathe secondary smoke and concerned with children's allergies that are irritated by secondary smoke.
- **Crystal McGinnis, business owner – opposed.** Business owners should be able to set their own policies. Stated 724 signatures were obtained on a petition opposing any change to the current ordinance.
- **Lyndon Rodgers, business owner – opposed.** Stated he feels some people as pre-disposed to diseases and is concerned with liberties being taken away.

- **Betty Killion, housewife – opposed.** Addressed freedom of choice and concerns of individuals rights being reduced.
- **Brad Waldraff, child with asthma – proponent.**
- **Kyler Earnest, child with asthma – proponent.**
- **Hayden Davidson, child with asthma – proponent.** Representing children with asthma and all children, noting the health risks of exposing children to tobacco smoke. The children urged the Council to vote for the ordinance and presented a poster with 300 signatures of children in support of the ordinance.
- **Dennis O’Connell, physical therapist – proponent.** Stated statistics on smoking and secondary smoke.
- **John “Rob” Patton – opposed.** Addressed individuals right to choose to go or not to go to an establishment that is smoke free.
- **Pete Monroe, Chief of Tye Volunteer Fire Department – opposed.** Addressed charitable bingo profits benefiting the City and County. Requested Bingo Halls be allowed to designate special area for smokers.
- **Stephanie Jo Lackilimits – opposed.** Addressed freedoms and peoples rights.
- **Nick Tadero, in house attorney for the Rockin Rodeo Club – opposed.** Stated the issue is a debate about business owners rights.
- **Lula Baker, retired LVN – opposed.** Stated health issues of smoking cannot be changed by banning peoples rights. Noted that education is the key.
- **Janet Lyons, representative of the Military Order of the Cooties and its auxiliary – opposed.** Stated that the proceeds of bingo games will be eliminated if smoking is banned. Requested Council exempt the bingo halls.
- **Jerry Hunt, non-smoker – opposed.** Addressed civil liberties and freedom of choice.
- **B.J. Cadwell, representative of Veterans of Foreign Wars Post 6873 – opposed.** Stated charitable bingo supports many organizations. Requested Council exempt the bingo halls.
- **Angela Saxon – opposed.** Stated if smoking is dangerous then other activities should also be stopped. Asked that smokers be left alone.
- **Chris Tullos, bar owner – opposed.** Stated that bars are not for children, and that it is parent’s responsibility to protect them. Addressed freedom of choice.
- **Ron Ashmore, District Advisor for Texas Motorcyle Rights Association – opposed.** Requested the current smoking ordinance be left as is.

- **George Sharlin, member of Veterans of Foreign Wars Post 6873 – opposed.** Stated he supports charitable bingo and the organizations that the bingo profits benefit. Requested Council put in writing, if they approve the ordinance, that they will provide the needed funds when bingo fails.
- **Ed Coats – proponent.** Stated if ordinance passes Abilene will be a better community.
- **Jack Hill – proponent.** Addressed the Council on behalf of three friends of his that died from lung cancer who were not smokers.
- **Dick Givins, small businessman – opposed.** Addressed smokers and businesses rights, stating if the ordinance passes it will cause economic problems.
- **Marsha Winequard, student at Abilene Christian University – proponent.** Urged the Council to not only look at the negative economic impact but also to consider the fact that cleaner air will also attract people to the City.
- **Richard Fricke – opposed.** Asked the Council not to try and regulate people lives and to vote against the ordinance.
- **Ann Giddins, Program Manager for the breast cancer awareness program for the YWCA – proponent.** Stated when one persons civil liberties crosses anothers there is a problem and that this is a health issue.
- **Dr. Heaven, Oncologist in Abilene – proponent.** Stated facts on the dangers of smoking.

Council recessed at 10:00 a.m. for a break and reconvened at 10:10 a.m. and then continued the Public Hearing on the proposed non-smoking ordinance.

- **Phillip Cochran – proponent.** Stated he is a cancer victim of second hand smoke.
- **Dr. Tony Rector, Physician at Abilene Christian University and co-owner of Jordan Taylor & Co., downtown Abilene – proponent.** Noted concerns about the negative impact on health, the economy, and to employees.
- **Suzanne Star, health educator and a member of the coalition of Smoke Free Abilene – proponent.** Stated that it is a health issue and relayed statistics on those health issues and stated it would be a positive impact on the economy.
- **Russ Riston aka “The Party Guy”, owner/operator of an entertainment service that provides Disc Jockey and Karoke services in Abilene – opposed.** Stated it will be detrimental to businesses, and the March 1st effective date of the ordinance would be a hardship on businesses.

- **Michael Burke, General Manager of the Ambassador Suites Hotel – opposed.** Thanked the Council for leveling the playing field on the stand-alone bar issue and requested Council let the market forces dictate. Questioned where the public outcry for the proposed ordinance came from.
- **Richard Anderson, cancer victim – opposed.** Addressed what else is in the air besides cigarette smoke.
- **John Jones – opposed.** Requested Council allow the people to vote on the issue.
- **Gerald Middleton, business owner – opposed.** Submitted a petition and stated the people should decide this issue.
- **Brook Lyons – opposed.** Stated that people have rights and that the issue needed to be put to a vote.
- **Johnny Bell – opposed.** Stated this is a “people’s rights” issue and that those personal rights are being taken away.
- **John Bethel, Fire Chief of Hamby Volunteer Fire Department - opposed.** Stated the lost revenue from charitable bingo would be bad, requested bingo halls be exempted or stipulate a separate area with ventilation for smoking.
- **Roy Lewis – proponent.** Urged the Council to exercise their right to protect the health of the people by passing the ordinance. Stated this is a free country and that the rights of people could not be taken away.
- **Henry Butts, bar owner – opposed.** Asked the Council to not tell the bar owners what to do, but to let the economy dictate.
- **Harry Root, business owner – opposed.** Stated if the ordinance passes it will not change the Abilene economy at all, or it will drastically change it, noting concerns about businesses closing.
- **Bill Wardell – opposed.** Stated there are no health benefits to the ordinance, that it would devastate the economy, that government should not dictate, and that smokers will still smoke even if the ordinance is approved.
- **Carol Wells, Assistant Manager of the Rockin Rodeo Club – opposed.** Requested the Council re-look at the exemption on free-standing bars, noting that bars will be hurt if smoking is not allowed.

- **Barbara Manly – opposed.** Stated that the rights of the people would be taken away and that people could leave Abilene.
- **David Manly – opposed.** Stated that it would take revenue away from Abilene and that there are other health issues besides smoking.
- **Becky Lott, bar owner – opposed.** Stated that she can purchase cigarettes and sell them to her customers, but she won't be able to let them smoke. Urged the Council not to take business out of Abilene.
- **Lee McGinnis, bar owner and vending machine company – opposed.** Stated that 90% of his business is smoking related and if ordinance passes he would have to layoff his employees.
- **Catherine Fleming – opposed.** Asked Council to research what similar cities are doing and what effects it has had on them.
- **Marianna Rasco, Chair of the American Cancer Society Board – proponent.** Stated that she is a volunteer for cancer prevention and supports the ordinance.
- **James Gray, Director of Field Government relations for the American Cancer Society – proponent.** Stated statistics on the lack of downfall of businesses when ordinances prohibiting smoking are implemented.
- **Paul Kyle, Manager of Skillet's Restaurant – opposed.** Requested Council table the issue and research the economic ramifications.
- **Alton Hammer, business owner – opposed.** Stated if the ordinance passes businesses would be eliminated.
- **Jennifer King – proponent.** Stated this is a public health issue and that all people have the right to breath clean air, noting the assumption is that smokers drive the economy, but that non-smokers would like to go to restaurants without smoke.
- **Ronald "Cotton" Everett, veteran – opposed.** Displayed 3 purple hearts and stated this is a civil rights issue.
- **Monte Joe, Manager of the Rockin Rodeo Club – opposed.** Stated it is a bar owners right to refuse service to anyone and requested Council not hurt his livelihood, also noting that people need to be educated concerning smoking.
- **Robert Morris - opposed.** Requested Council table the issue to research it further and look at a compromise, noting that people have choices and that it is an economic issue as well as a health issue.

- **Roy Claybrook – opposed.** Stated he wants to keep his rights.
- **Eddie Stewart, heart patient survivor - proponent.** Stated Council needs to pass the ordinance and then to enforce it, also questioned Alcoholics Anonymous being permitted to smoke in the Civic Center.
- **Sharon Earnest, mother of child with asthma – proponent.** Encouraged the Council to pass the ordinance and explained that one of the boys that had spoken earlier was her son.
- **Ivan Shelton – opposed.** Asked Council by what authority they have to tell business owners how to run their businesses, and stated that second hand smoke health issues are a scam.
- **Sam Smith – opposed.** Stated a smokers area needs to be allowed and stated that there were other things that caused asthma as well as smoke.
- **Rick Trogdon, business owner – opposed.** Stated he has not had time to prepare formal opposition to this issue and requested bars and nightclubs be exempted.
- **Chris Young, restaurant owner – opposed.** Noted limitations on where a ventilation system could be installed in his restaurant. Addressed the need for more time to review the ordinance and if there is a “grandfather” clause provided.
- **Holly Humphreys, employee of Little Texas Nightclub – opposed.** Asked Council to reconsider bars and nightclubs and not hurt her livelihood.
- **Rodney Chote, General Manager of the Rockin Rodeo Club – opposed.** Stated this is a health and education issue, and not to place so much emphasis on bars, etc.
- **Maria Barstow, bar owner – opposed.** Stated that she does not take her children where there is smoking.
- **Caroline Pazzate – proponent.** Questioned if money is worth more than people’s lives and if lives are worth more than proceeds from charitable bingo.
- **Laquetta Pudge, employee of the Golden West Casino – opposed.** Requested Council consider exemptions.
- **Stephen Fenoglio, Attorney from Austin – opposed.** Representing charities in Abilene that conduct bingo and requested on behalf of his clients the proposed ordinance be modified to allow for an exemption for bingo halls that have separate ventilation, and if the exemption is not allowed that Council appropriate the lost funds so that charities can continue their missions.

- **Chris Fegis, representative of the Little Texas Night Club – opposed.** Requested stand-alone bars be left on the exemption list as previously proposed.
- **Terry Norwood – opposed.** Stated that only adults go to bars and that the City should not interfere in those businesses and that restaurants should be allowed options.
- **Moir Searcey, bar owner – opposed.** Stated that people have rights.
- **Peggy Sue Berseavo, café employee – opposed.** Stated that she works where 90% of people smoke and that they should be able to decide where they smoke.
- **Whitney Dayton, representative of the American Heart Association – proponent.** Noted health statistics and results of smoking and requested Council help protect the health of the citizens.
- **Linda Galusha – opposed.** Addressed activities at the Expo Center, noting the preference of some for alcohol and cigarettes.
- **Earlene Wheeler – opposed.** Stated that most smokers are courteous and that it is a rights issue.
- **Mandy Ellifritz – opposed.** Stated there would be an economic backlash if ordinance is approved and that there are age limits on many businesses (i.e. bars and nightclubs). Requested a committee of local businesses be appointed to make an educated decision and that the issue be tabled today.
- **Denise Jones – proponent.** Stated that the owners of the restaurants, that she and her family frequent, have stated that they feel the City Council has a right to make this decision.
- **Dr. Ralph McCleskey – proponent.** Stated this is an issue of rights and that the greatest asset Abilene has are the lives of its people. This ordinance has the power to save lives and he urged the Council to exercise their authority and approve the ordinance.

There being no one else present and desiring to be heard, the public hearing was closed.

Mayor Barr recessed the Council into Executive Session pursuant to Section 551.071 (Consultation with Attorney) of the Open Meeting Act to consult with the City Attorney, Sharon Hicks on Council agenda item 4.3; proposed non-smoking ordinance.

The Council reconvened from Executive Session and reported no action taken.

Council and staff comments included: 1) a review, by city staff, of the current smoking ordinance began several months ago following three business people having asked Councilman Southward about the ordinance; 2) in considering the issue no conflict of interest exist for

Councilman Archibald (Hendrick Medical Center) or Councilwoman Alexander (American Heart Association) nor were either of their respective organizations involved in implementing the ordinance review; 3) the issue was not citizen driven and there was no public outcry; 4) health issue concerns and Council's right and responsibility to protect the health of citizens; 5) personal opinions vary on the potential economic impact; 6) Council having had no intention of acting on this matter quickly to avoid public input; 7) additional time may be needed to further review the proposed ordinance; 8) issues addressed today concerning bingo, country clubs having exemptions, and proper ventilation without patio's, all of which need further study; 9) more consideration being given to potential impact to businesses; 10) in considering the issue more in depth review, deliberation and thoroughness being needed; 11) appreciation for all businesses and their economic contribution to Abilene; 12) letting the citizens vote on the issue; 13) taking action in a timely manner on the issue and not delaying it for long period of time as was done 10 years ago; 14) finding a balance between health and commerce; 15) striving for a possible compromise; 16) reference to the suggestion made by speakers addressing the Council today that a forum be developed comprised of individuals from the Heart Association, Lung Association, Cancer Association, members of the medical community, non-smokers, health sufferers (children with asthma and individuals with other breathing problems), vendors of cigarettes, nightclub owners, bar owners, individuals opposed to government even raising the issue of telling them what they can do in their homes, their cars, and the restaurants that they go to, and individuals that are cavalier about their health. A compromise resulting from dialogue might then be reached and ultimately a vote on the issue could be placed before the public.

City Attorney Sharon Hicks stated that following input and analysis ascertained on the business community, health issues, etc. and a recommendation is ready to be presented to Council, that recommendation would be placed on the Council's regular posted agenda, which is posted at least 72 hours prior to the meeting. Ms. Hicks also stated the agendas are available to the public on the Friday before the Council meets the following Thursday. Time can also be allocated as needed for public education and public service announcements that the issue is ready to be considered again and that information can be submitted to the local media. Removing the item from the table requires a vote of the Council in a regular posted meeting that is advertised to the public

Mayor Barr stated if the item is tabled he would then ask staff to bring forward options and different analysis for review and for Council's input.

Ms. Hicks stated if the item is tabled and then removed from the table at some future point it will be discretionary at the request of the Council to have an additional public hearing, but it is an option if Council so chooses.

Councilman Hill made a motion to table, for a period of analysis by the City and the Community, the amendment of the Municipal Code of the City of Abilene by deleting Chapter 10 Fire Protection and Prevention, Article III: Fire Prevention Code, Division 2: Smoking, and adopting Chapter 13, Health and Sanitation, Article VI: Smoking; providing a severability clause, declaring a penalty. Councilman Williams seconded the motion, and the motion carried. No time frame was set for the analysis and it was noted for the public's benefit that the item would not be removed from the table and acted on at the same meeting.

AYES: Councilmen Williams, Hill, McNeil, Southward, Archibald, Councilwoman Alexander, and Mayor Barr.

NAYS: None

4.4 Richard Gertson, Director of Planning & Development Services briefed the Council on the ordinance adopting the Comprehensive Plan. Mr. Gertson stated following the public hearing on the ordinance at the regular City Council meeting held on January 8, 2004, staff reviewed and concurred with a number of word changes to the document. Staff and the Planning & Zoning Commission recommend approval of the ordinance.

Mayor Barr clarified that if the Comprehensive Plan is adopted the proposed changes to the plan would also be approved and incorporated into the final document.

Councilman Hill made a motion to approve the Ordinance adopting the Comprehensive Plan for the City of Abilene. Councilman Williams seconded the motion, and the motion carried.

AYES: Councilmen Williams, Hill, McNeil, Southward, Archibald, Councilwoman Alexander, and Mayor Barr.

NAYS: None

The Ordinance is numbered **3-2004** and captioned as follows:

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN FOR THE CITY OF ABILENE.

EXECUTIVE SESSION

Mayor Barr recessed the Council into Executive Session pursuant to Sections 551.071, 551.074, and 551.072 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, and to consider the purchase, exchange, lease or value of real property.

Councilman Williams left the meeting during Executive Session.

The Council reconvened from Executive Session and reported no action taken. There being no further business, the meeting was adjourned at 1:00 p.m.

Jo Moore
City Secretary

Grady Barr
Mayor

