Minutes of Regular Meeting held July 8, 2019

Regular meeting with the following present: Mayor Mark Bowen; Aldermen Jerry Stone, Laura Reyna, Sam Cortez, Ruben Gonzalez, Ruble Farmer; City Secretary Josie Campa; Director of Public Works James McGrath; Police Chief Richard Priest; Fire Marshal Matt Dear; Code Compliance Officer Scott Traeger; Library Director Cassandra Cortez; City Attorney Tom Cate.

Visitors: Wayne Beyer, Eric Shulze, Jerry Shepherd, Kaveh Khorzad, Khalid Tibari, Kellie Masters, Charles and Jennifer Woods, Christopher Bowen, Steven Santana, Alex Chapa, Sam Parks, Pat Garza.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Mayor Mark Bowen opened the meeting at 6:32 p.m. and led everyone in the pledge to the flag.

VISITORS'/CITIZENS' COMMENTS
Alex Chapa told Council that there is still a problem with the drainage at his property. He told Council he gave the City Attorney the letter and report from TCEQ. He said that James McGrath and the Code Compliance Officer had gone and looked at the problem area. The City Attorney told Mr. Chapa he would get a copy made of the letter and report and get the original back to him.

Mr. Chapa also complained about the TxDOT right-of-way not being mowed or cleaned in quite a while and told Council he wants it cleaned.

APPROVAL OF MINUTES AND APPROVAL OF PAYMENT OF BILLS
City Secretary Josie Campa added the gasoline bill from Texas Fleet Fuel that totaled $538.13 and gave the department breakdown for this bill. Alderwoman Reyna asked that the June 10th minutes be amended on page 2 under the variance requested by Amanda Solis. She asked that the following be added to motion “and that a variance would no longer apply if she were to sell or convey the land”. Alderman Gonzalez made the motion that Council approve the minutes of the June 10th regular meeting, as amended, and payment of the bills, as presented. Seconded by Alderman Farmer. Passed unanimously.

CONSIDER AND ACT UPON PROPOSAL FOR OVERSEEING ACIDIZING OF NEW WELL
Kaveh Khorzad told Council that Well #4 has a pump on it that is sized for 600 gallons per minute. He told Council that the proposal for acidizing the well would include 10,000 gallons of hydrochloric acid. He said typically there could be a 50% increase in the yield, but there are no guarantees. Mr. Khorzad told Council that the acidizing project will take about a week, but it also depends on how long it will take to pump out the acid. The pump size for Well #4 were discussed if the acidizing were to bring a higher yield per minute. Mayor Bowen asked about a timeline for this project and was told the project wouldn’t take long, but with the bidding process it could take as long as two (2) months. Alderwoman Reyna questioned the price of the proposal ($21,400.00), and asked what it would include. Mr. Khorzad explained the services this fee would include and said the fee would not be more than the $21,400.00 quoted. Alderwoman
CONSIDER AND ACT UPON PROPOSAL FOR OVERSEEING ACIDIZING OF NEW WELL (CONT.)
Reyna voiced her concerns on the wording of the proposal and clauses that were not included. City Attorney Tom Cate agreed that changes could be made. Both Kaveh Khorzad and Eric Schulze agreed to work with the City Attorney on the wording of their proposal. City Attorney Tom Cate told Council he would also work with Alderwoman Reyna on the language for this proposal and put it back on the agenda. Council then discussed the current projects that the acidizing of the well could interfere with and cause contractor to ask for another change order. Mayor Bowen suggested an e-mail be sent to contractor asking for time line on the current projects, to try and avoid a change order. After a lengthy discussion, Alderman Gonzalez made the motion that Council wait until the wording on this proposal is worked out, and a special meeting be scheduled, if needed for this item. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON CHANGE ORDER REQUEST ON WATER TRANSMISSION LINE
City Secretary Josie Campa told Council that the engineers have told her that a contractor doesn’t order pipe and materials until the contract is signed. Mayor Bowen suggested the City Attorney take a look at the contract concerning the change order process. After discussion, Alderman Stone made the motion that Council have the City Attorney review the contract for the provision on change orders. Seconded by Alderman Gonzalez. Passed unanimously.

CONSIDER AND ACT UPON REQUEST FROM MARIN CISNEROS TO BE ALLOWED TO LIVE IN RV WHILE BUILDING HOME ON PINE STREET AND CONSIDER AND ACT UPON REQUEST FROM MARIN CISNEROS TO BE ALLOWED TO HAVE SEPTIC SYSTEM INSTALLED
City Secretary Josie Campa told Council that items 5C and 5D had been scratched from the agenda.

CONSIDER AND ACT UPON REQUEST FROM KHALID TIBARI FOR BURGER KING TO BE ALLOWED TO INCREASE THE HEIGHT OF THEIR STREET SIGN TO 40-45 FEET AND FOR THEIR OUTSIDE SIGN ON BUILDING TO BE INCREASED FROM 25 SQUARE FEET TO 48 SQUARE FEET IN AREA
Khalid Tibari told Council he was representing Burger King and he requested they be allowed to have a sign that is 45 feet high. He said the zoning allows the height of sign to be 25 feet high, but they are wanting the sign to be another 20 feet higher. Alderman Stone made the motion that Council grant the variance request for the Burger King sign. Seconded by Alderman Gonzalez. Passed unanimously.
CONSIDER AND ACT UPON REQUEST FOR VARIANCE OF SUBDIVISION ORDINANCE TO ALLOW PROPERTY OWNER TO CONVEY PROPERTY TO PARENTS-KELLY MASTERS

Charles Wood asked Council to consider allowing daughter Kellie Masters to have a variance of the subdivision ordinance so she can convey some of the property to her parents. The City Attorney told Council that since Ms. Masters had bought the property by metes and bounds this wouldn’t cause a problem since the property was not part of a subdivision. Alderman Stone made the motion that Council grant this variance to Kellie Masters with the provision that if the grantee is going to resubdivide or convey the property it will have to go by the city’s subdivision ordinance. Seconded by Alderman Gonzalez. Passed unanimously.

Council took a short break at 7:48 p.m., and reconvened at 8:07 p.m.

CONSIDER AND ACT UPON AUDIT REPORT FOR FY 2016-2017

Wayne Beyer presented the audit report for the 2016-2017 fiscal year. Mr. Beyer reviewed the opinion letter with Council and said the city was given an unmodified opinion which means it was a clean audit and the highest opinion that can be given. Mr. Beyer then reviewed the general fund with Council, and then the three (3) utility funds. Mr. Beyer told Council that the city’s current ratio is 4 to 1 for the general fund; a 4 to 1 ratio for the water fund; a 12 to 1 ratio for the gas fund; and a 2 to 1 ratio for the sewer fund. Mr. Beyer told Council the city has very good ratios in all the general fund and in all utility funds.

Mr. Beyer reviewed the debt the city currently has and said the $2,285,000.00 debt is not much for a city of Lytle’s size.

Mr. Beyer then reviewed the city’s benefit pension plan and the city’s average net position of total pension liability is 83.61% which is slightly lower than the state average of 85%. Alderman Ruben Gonzalez asked about subsequent events practice. Mr. Beyer said they are required to follow certain rules when auditing. Alderman Gonzalez asked Mr. Beyer about the Police Department’s negative amount for the actual budget on page 21 and Chief Priest and the City Secretary both agreed that this number was not correct, as they both work to stay within the budget and didn’t remember any overages. The City Secretary said she would go back and check on this and get with the auditor and Mr. Beyer said it would not be a problem to make this change.

Alderman Gonzalez questioned why the 2017 totals didn’t match the 2016 totals.

Alderman Laura Reyna asked the auditor about depreciation listed on page 40 of the audit report and Mr. Beyer explained how and why depreciation is required in an audit report. Alderman Gonzalez asked for “Public Transportation” to have “streets” in parentheses to explain what the depreciation is on and Alderman Reyna agreed that this added word would be for clarification. Mr. Beyer agreed to add this in the audit report. Alderman Cortez made the motion that Council approve the audit report and pay the bill of $14,000.00 for Beyer & Company. Seconded by Alderman Farmer. Passed unanimously.
CONSIDER AND ACT UPON ENGINEERING SERVICES PROPOSAL FROM TRC FOR TCEQ PERMIT AMENDMENT APPLICATION PREPARATION/REMITTAL
City Secretary Josie Campa presented the proposal from TRC for preparing the TCEQ permit amendment application the wastewater treatment plant expansion. She told Council that the total cost for this proposal would be $23,606.00. Alderman Gonzalez made the motion that Council approve TRC’s proposal for the cost of $23,606.00. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON PROPOSAL ON DRAINAGE PROJECT FOR EASY STREET AREA
City Secretary Josie Campa told Council that the engineer had said the construction cost for the drainage project in the Adams Street-Easy Street area cost should be less than $50,000.00. She told Council the city does not have that money in this year’s budget and recommended this be placed in the 2019-2020 FY budget. Alderman Gonzalez made the motion that Council have the project included in the city’s upcoming 2019-2020 fiscal year budget. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON INSTALLATION OF SPEED HUMPS FOR N. PRAIRIE STREET
Police Chief Richard Priest told Council the city is needing two (2) sets of speed humps on N. Prairie Street. He said these are needed between FM 2790 and Laredo Street. Alderman Ruben Gonzalez told the Chief he should consider placement of these speed humps where they will not interfere with driveways and trash cans. Chief Priest told Council he is trying to get traffic diverted to FM 2790 North. City Attorney Tom Cate told the Chief and Council that he would need the location that these speed humps will be placed for drawing up the ordinance. Alderman Gonzalez made the motion that Council have the two speed humps on N. Prairie Street placed between Laredo Street & FM 2790 North and have the City Attorney draw up the ordinance. Seconded by Alderman Stone. Passed unanimously.

CONSIDER AND ACT UPON CHANGES TO CHARGES FOR BUILDING PERMITS DUE TO HB 852
City Secretary Josie Campa told Council that HB 852 prohibits the amount of building permit fees to be based on the value of the dwelling. She said only the “simple” permits that do not require inspection have the fee calculated by using the estimated value of construction. She told Council these permits currently cost $2.00 for the first $1,000.00 of cost and $1.00 for every $1,000.00 thereafter, and usually don’t cost more than $2.00 to $3.00. Alderwoman Reyna suggested permit fees be based on square footage in the future. The City Secretary told Council that these simple permits are usually for storage sheds, decks and fences, and that other cities are using square footage of building to determine permit fees for dwellings and larger construction. The City Secretary told Council they might want to consider this in the future. Alderman Stone made the motion that Council set the “simple” building permit fee at $5.00 until further review. Seconded by Alderman Farmer. Passed unanimously.
CONSIDER AND ACT UPON PROPOSAL FOR INSTALLATION OF NEW AC UNIT FOR AMBULANCE SHED DUE
City Secretary Josie Campa presented the proposal from Bendle Air Conditioning & Heating for installing a new 2-ton AC/Heating unit in the ambulance building. She told Council that the proposal is for $4,500.00 and only $2,000.00 had been budgeted. Alderman Gonzalez asked if this included maintenance warranty and was told this was just installation work. Alderman Gonzalez made the motion that Council amend the budget to $5,000.00 for this AC/Heating unit and try to get a maintenance warranty for this unit. Seconded by Alderwoman Reyna. Passed unanimously.

CONSIDER AND ACT UPON PROPOSAL FOR UPDATING WEBSITE
Alderman Gonzalez gave Council a website redesign update with a power point presentation and said he has an estimate of $11,525.00. He explained to Council that the city will have more flexibility and it will be easier to modify the website. Alderman Gonzalez told Council that the emergency management program will be able to be merged with the new website and this will cost the city about $2,000.00 less per year in annual fees. Alderman Cortez made the motion that Council approve up to $12,000.00 for the city’s website redesign. Seconded by Alderman Stone. Passed unanimously.

ANIMAL CONTROL DIRECTOR’S REPORT
Animal Control Director was not present.

CODE COMPLIANCE OFFICER’S REPORT
Code Compliance Officer Scott Traeger told Council that Mr. Jackel had covered up all the exposed pipe and had installed concrete drainage ditch. He said Mr. Jackel will be putting in base material and that Public Works will install a sleeve before the base is put in for city’s water line.

Mr. Traeger told Council that overgrown lots are mostly owned by vacant landowners, and letters are being sent to them.

The Code Compliance Officer told Council that brush is really piling up and he is handing out letters to people who are putting it out too early. He also said there is a problem with out of town people dumping brush on city right-of-ways.

LIBRARY DIRECTOR’S REPORT
Library Director Cassandra Cortez gave a power point presentation for her monthly report.

PUBLIC WORKS DIRECTOR’S REPORT
James McGrath gave his monthly Public Works’ Director’s report with a power point presentation.
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PUBLIC WORKS DIRECTOR'S REPORT (CONT.)
Mr. McGrath told Council about the “boil water” procedures required by TCEQ and said the city got results on the water samples in about eighteen (18) hours, so that the boil notice could be lifted.

POLICE CHIEF'S REPORT
Police Chief Richard Priest gave his monthly report to Council with a power point presentation.

CITY SECRETARY’S REPORT
City Secretary Josie Campa gave her report with a power point presentation.

MAYOR’S REPORT
Mayor Bowen told Council that Lytle had a lot of people from other cities at the 4th of July celebration and it was a great event. The Mayor thanked city employees and the VFW and its auxiliary for working at this event.

The Mayor told Council that Judge Schuchart had told him that the EAA law suit has been resolved, and the city can now buy water rights.

Meeting adjourned at 10:45 p.m.