Minutes of Regular Meeting held August 12, 2019

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

Visitors: Guadalupe and Wendy Alvarado, Christopher Bowen, Wayne Herl, Rudy Cortinas, Sr., Mr. & Mrs. Rudy Cortinas, Jr., Roy Parker, Jerry Shepherd, Ralph Minard, Sam Parks, Anthony Reyna, Charles Wood, Ronnie Cuellar, Brant Troutman from Musco Lighting, Angela Perdue, Robin Barsch, Steven Santana, Krishna Thota, Lloyd Jackel.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Mayor Bowen opened the regular meeting at 6:34 p.m. and led everyone in the pledge to the flag.

VISITORS’/CITIZENS’ COMMENTS
Wayne Herl told Council he noticed in the paper that the city will be having a petition for mixed drinks and said that without this being allowed, the city will not get a decent restaurant. He told Council he would like to be the first signature on this petition.

The owner of the new pharmacy located by the Subway, Save RX Discount Pharmacy introduced herself and told Council they take all insurances and have home delivery service everyday regardless of distance.

Veronica Solis told Council that she lives in Twin Lakes and then requested that her street, CR 6842 be paved. She said she had been at Council meeting in January and had not heard anything, so she thought she would bring this up again for the budget workshops. Mrs. Solis said the County Commissioner told her that the city and county needed an agreement to work together on said street.

Chief Priest asked if this street is a city street or a county road? Mayor Bowen asked the City Attorney to find out whether this street is the city’s responsibility.

CONSIDER APPROVAL OF MINUTES AND CONSIDER APPROVAL OF PAYMENT OF BILLS
Alderman Gonzalez requested that the following be included on Page 3 of the minutes, “Alderman Gonzalez questioned why the 2017 totals didn’t match the 2016 totals”, and the price of the audit ($14,000.00) also be included. Alderwoman Reyna asked about the minutes concerning the variance on conveying of the property to Charles and Jennifer Wood by Kelly Masters. City Attorney Tom Cate and City Secretary Josie Campa explained that the variance was requested for the Woods to have a home put on the property. Alderwoman Reyna made the motion that Council approve the minutes of the July regular meeting, as amended and payment of the bills, as presented. Seconded by Alderman Cortez. Passed unanimously.
CONSIDER AND ACT UPON PROPOSAL FOR OVERSEEING ACIDIZING OF NEW WELL
City Attorney Tom Cate told Council that all the changes requested by Council were made by Southwest Engineers, and had been reviewed by Alderwoman Reyna and himself. Alderman Gonzalez made the motion that Council approve the proposal with Southwest Engineers for overseeing the acidizing of the new well for the amount of $21,400.00. Seconded by Alderwoman Reyna. Passed unanimously.

CONSIDER AND ACT UPON CHANGE ORDER REQUEST ON WATER TRANSMISSION LINE
Jerry Shepherd, engineer for transmission line told Council that the request for a change order has been on the agenda a few times. Ralph Minard, contractor for this project told Council that the price of the pipe increased during the time span between Council approval in January and the signing of the contract in April. After a lengthy conversation and Mr. Minard answering questions from the Mayor, Council members and the City Attorney, the engineer recommended the City pay Mr. Minard for the increase in the pipe price. Alderman Stone made the motion that Council approve paying the change order request. Seconded by Alderman Cortez. Discussion. Alderwoman Reyna expressed her concern over this since she said the city didn’t do anything wrong and asked if it was possible for the City Attorney and Mr. Minard to meet and review this matter. Alderman Gonzalez asked Mr. Minard if there were things to worry about on the rest of the project.

Mr. Minard said there wasn’t but later mentioned two driveways that will have to be bored that may have additional cost. Alderman Cortez told Council he feels the city should accept the request for the change order this time, but if there is a next time they will need to look at it closer. The motion was then passed unanimously.

Jerry Shepherd told Council that the first draw would be increased by the approval of the change order by ($15,671.20). Council agreed to have the change order paid separately from first draw request.

CONSIDER AND ACT UPON RECOMMENDATIONS FROM THE MOBILE HOME COMMISSION FOR PLACEMENT OF DOUBLE-WIDE HOMES REQUESTED BY: CREATING WEALTH REAL ESTATE, LLC AND CHARLES AND JENNIFER WOOD
DISCUSSION AND/OR ACTION ON ROADWAY AND DRAINAGE AUTHORIZATION OR INDEMNIFICATION AGREEMENT ON SAN JOSE STREET IN COAL MINE-JS5, LLC
City Secretary Josie Campa told Council that Mr. Jackel had asked to have this item on agenda since his neighbor Mr. Cortinas is saying that San Jose Street is not a city street and Council did not have the right to give permission to Mr. Jackel to use and fix street. She told Council she asked Mr. Cate to review documents presented by both parties. City Attorney Tom Cate told Council he had reviewed these documents, and that San Jose Street is a public road not a private drive and the city therefore has control of this right-of-way under the law. After lengthy discussion, and Mr. Jackel saying San Jose is a city street and Mr. Cortinas saying it is his property, the City Attorney told Mr. Cortinas to have his property surveyed so he can show that San Jose Street is his property. After more arguments from both landowners, no action was taken until Mr. Cortinas has his property surveyed.

PRESENTATION BY WASTE MANAGEMENT ON GARBAGE AND RECYCLING SERVICES FOR THE CITY AND NOTIFICATION OF RATE INCREASE FOR CUSTOMERS-CHRISTOPHER COX
City Secretary Josie Campa told Council that due to a scheduling conflict, Waste Management representative had requested to be on the special meeting agenda for August 19th.

CONSIDER AND ACT UPON REQUEST FROM ROY PARKER TO HAVE DRIVEWAY AT 18810 WISDOM ROAD FIXED DUE TO DRIVEWAY BEING 2 INCHES ABOVE NOW THAT CITY REPAVED AND HAVING WATER FLOWING INTO CARPORT
Roy Parker told Council that he has talked to both the Mayor and Mr. McGrath about his drainage problem that he feels was caused when the city repaved Wisdom Road. He requested that this problem be fixed by the city, so his property won’t flood. Mayor Bowen told Council he has asked the city engineer to take a look at this problem. After more discussion, Alderman Gonzalez made the motion that Council get the city’s engineer to review this problem. Seconded by Alderman Cortez. Passed unanimously.

DISCUSSION AND/OR ACTION ON OPTIONS FROM CITY’S AUDITOR (BEYER & COMPANY) FOR CITY TO GET BACK ON TRACK WITH AUDITS AND COVERING ADDITIONAL COSTS, IF ANY, FOR THESE OPTIONS
Mayor Bowen told Council that there are several things that the city is working on that requires the city to be caught up on audits. He asked Wayne Beyer the city’s auditor for ways to get caught up. Mr. Beyer said that a person could be hired to solely work on audit stuff or the city can get people that are former auditors that can do this work. Mayor Bowen asked Mr. Beyer if he had someone that could do this. Mr. Beyer told the Mayor that he will get some names and he highly recommends this be done. Alderman Gonzalez asked how long it would take to get the city caught up once the info is caught up. Mr. Beyer said it takes about four months to get an audit report ready and explained why it takes so long. Mayor Bowen said the city needs to get caught up as soon as possible and asked Mr. Beyer to get some names of people that can help do this.
CONSIDER AND ACT UPON REQUEST FROM MUSCO LIGHTING AND ANTHONY
REYNA ON BEHALF OF LYLTE LITTLE LEAGUE TO CONSIDER FUNDING FOR
LIGHTS AT JOHN LOTT PARK BALL FIELDS
Anthony Reyna told Council that he has been talking with Brant Troutman and Tim Moore from
Musco Lighting about lights at two of the ball fields at the park. Alderwoman Reyna went on
record that Anthony Reyna is her husband. Mr. Reyna told Council that he wanted to bring this
matter to the front since the city is working on its budget. Brant Troutman told Council he
was subbing for his co-worker and presented info on his company Musco Lighting. He told
Council that Musco Lighting has been in business over (40) forty years and is responsible for 70
to 80 percent of lighting in the State, mostly Little League fields. He talked to Council about
LED versus HID lighting and said that now you are seeing most are LED lights. Alderman
Cortez told Council he had asked for two bids since prices vary between LED and HID lighting.
The Musco representative told Council that HID lighting for the two ball fields would cost about
$180,000.00 installed and $235,000.00 for installed LED lighting. He told Council that if the
city is a member of Buy Board this lighting project could be done through his purchasing
cooperative. He said this project could also be a lease purchase and be done over several years.
Council asked questions concerning the lease purchase agreement and interest rates and whether
it would have to be put out for bid. Council also asked about the time line for this project and
Mr. Troutman said it would take (2 to 3) two to three months from when the purchase order is
issued to when the fields are lighted up. Council also asked about loan payments over a ten year
period and was told that the project costing the city $235,000.00 at 4.95% interest rate would be
$30,528.00 a year. Council discussed whether tourism funds could be used for this project.
Mayor Bowen told Mr. Brant that Alderman Cortez is working on a grant for this project and Mr.
Brant told Council there are grants available for this type of project. After a lengthy discussion,
Mayor Bowen said the Council has budget workshops coming up and can look at this. No action
was taken on this item.

Council took a short break at 8:50 p.m. Council reconvened at 9:01 p.m.

CONSIDER AND ACT UPON RECOMMENDATION FROM THE ZONING
COMMISSION ON RESTRICTING ANY FURTHER MANUFACTURED/MOBILE
HOMES FROM BEING PLACED ALONG HWY. 132/MAIN STREET
Alderman Gonzalez told Council that he had presented Council’s proposal for enhancing Main
Street area to the Zoning Commission. He said he talked to the Commission about restricting
mobile homes from being placed on Main Street, and that the Commission members had agreed
to recommend this be done. City Attorney Tom Cate told Council that public hearings would
have to be held and letters will have to be sent to property owners along Main Street. Alderman
Stone made the motion that Council have the Zoning Commission proceed with this project.
Seconded by Alderman Cortez. Passed unanimously. Council then discussed the existing
mobile homes being grandfathered and location on Main Street where this would happen.
Alderman Gonzalez said the area he was thinking about was from FM 2790 N east to the city
limits. The City Attorney told Council that both notices for the Zoning Commission and City
Council will have to be published in the newspaper. He also told Council that State law says the
replacement of a mobile home can be limited to one time and said this could be adopted by
CONSIDER AND ACT UPON RECOMMENDATION FROM THE ZONING COMMISSION ON Restricting ANY FURTHER MANUFACTURED/MOBILE HOMES FROM BEING PLACED ALONG HWY. 132/MAIN STREET (Cont.)
Council at the next meeting. He recommended that Council handle the two issues separately. First, the mobile homes being grandfathered on Main Street and second, throughout the city.

CONSIDER AND ACT UPON ADOPTING OF RESOLUTION DENYING THE RATE CHANGE APPLICATION MADE BY AEP-CP & L
City Secretary Josie Campa presented the resolution sent to the city by the attorneys representing several city’s in AEP’s rate increase request, and said they recommend Council adopt this resolution that denies AEP’s request. Alderman Cortez made the motion that Council adopt this resolution. Seconded by Alderman Gonzalez. Passed unanimously.

CONSIDER AND ACT UPON ADOPTING ORDINANCE FOR SPEED HUMPS ON N. PRAIRIE STREET
Alderman Stone made the motion that Council adopt the ordinance for installing speed humps on N. Prairie Street. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON PROPOSING TAX RATE FOR 2019
Alderman Gonzalez made the motion that Council propose a tax rate of $0.4475 per $100.00 valuation for 2019. Seconded by Alderman Cortez. Passed unanimously.

UPDATE ON PID PROGRAM AND INFORMATION FOR COUNCIL’S REVIEW
Alderman Gonzalez told Council that PIDs are a good tool for economic development but city has to be very careful. Mayor Bowen told Council members that they have been given information on PIDs and that the city will be holding a public hearing on August 21st to educate and inform the Council and citizens. Alderman Gonzalez told Council members that a PID policy will have to be adopted first if the city wants to be a PID city and that then would need to look at each individual. Mayor Bowen asked each Council member to review the information provided on PIDs and said Council would look at this after the public hearing.

CONSIDER AND ACT UPON SETTING UP AN EMPLOYEE EVALUATIONS COMMITTEE FOR REVIEWING EVALUATION FORMS IN SEPTEMBER, 2019 AND CONDUCTING EMPLOYEE EVALUATIONS IN JANUARY, 2020
Alderman Gonzalez talked to Council about evaluating department heads again and said the current evaluation forms need to be reviewed. Aldermen Gonzalez and Cortez agree to work on this project and Alderman Gonzalez told Council they will get with department heads for input. Alderman Stone made the motion that Council leave Aldermen Gonzalez and Cortez on the committee to get evaluation forms ready for Council. Seconded by Alderwoman Reyna. Passed unanimously.
CONSIDER AND ACT UPON CALLING FOR BIDS FOR BRUSH PICK-UP SERVICE FOR NEXT FISCAL YEAR
Alderman Stone made the motion that the city call for bids for brush pick-up for the next fiscal year. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON PROPOSED AMENDMENTS TO 2018-2019 FY BUDGET
City Secretary Josie Campa proposed the following amendments to the 2018-2019 fiscal year budget:

<table>
<thead>
<tr>
<th><strong>General Fund</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
</tr>
<tr>
<td>Ad Valorem Taxes-Current</td>
<td>-</td>
</tr>
<tr>
<td>Discounts</td>
<td>-</td>
</tr>
<tr>
<td>Tax Collections-Delinquent</td>
<td>-</td>
</tr>
<tr>
<td>Penalty &amp; Interest</td>
<td>-</td>
</tr>
<tr>
<td>Rendition Late Penalty</td>
<td>-</td>
</tr>
<tr>
<td>Hotel/Motel Tax</td>
<td>-</td>
</tr>
<tr>
<td>City Sales Tax</td>
<td>-</td>
</tr>
<tr>
<td>Permits &amp; Inspections</td>
<td>-</td>
</tr>
<tr>
<td>Dog Vacc., Licenses &amp; Fees</td>
<td>-</td>
</tr>
<tr>
<td>Garbage Collection Fee</td>
<td>-</td>
</tr>
<tr>
<td>Other Income</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Added Revenues for General Fund</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>General Fund</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disbursements</strong></td>
<td></td>
</tr>
<tr>
<td><strong>General Operating</strong></td>
<td></td>
</tr>
<tr>
<td>Attorney &amp; Legal Fees</td>
<td>-</td>
</tr>
<tr>
<td>Attorney's Costs for Delinq. Tax Coll</td>
<td>-</td>
</tr>
<tr>
<td>Building Inspections</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Public Safety</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Vehicle &amp; Accessories</td>
<td>-</td>
</tr>
<tr>
<td>Municipal Court Fees</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Animal Control</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer to Animal Control Fund</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Culture &amp; Recreation</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism Promotion</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Total Added Expenditure for General Fund-Net Revenue for General Fund</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Added Expenditure for General Fund</td>
<td>+ $18,500.00</td>
</tr>
<tr>
<td>Net Revenue for General Fund</td>
<td>+ $ 4,040.00</td>
</tr>
</tbody>
</table>
CONSIDER AND ACT UPON PROPOSED AMENDMENTS TO 2018-2019 FY BUDGET(CONT.)

**Water Fund**

Revenues  
Water Service Fees  -  + $10,000.00  
Interest on CD  -  + $1,500.00  
**Total Added Revenue for Water Fund**  -  + $376,500.00

Disbursements  
Consulting Engineer  -  + $11,500.00  
Capital Improvements on Water System  -  + $354,000.00  
Repairs & Main.-System & Eqpt.  -  + $2,000.00  
**Total Added Expenditure for Water Fund**  -  + $367,500.00  
**Net Revenue for Water Fund**  -  + $9,000.00

**Gas Fund**

Revenues  
Gas Service Fees  -  + $20,000.00  
**Total Added Revenue for Gas Fund**  -  + $20,000.00

Disbursements  
Repairs & Maint.-System & Eqpt.  -  + $1,500.00  
Gas Purchase For System  -  + $12,000.00  
Misc Expense  -  + $500.00  
**Total Added Expenditures For Gas Fund**  -  + $14,000.00  
**Net Revenue for Gas Fund**  -  + $6,000.00

**Sewer Fund**

Revenues  
Sewer Fees  -  + $60,000.00  
**Total Added Revenue for Sewer Fund**  -  + $60,000.00

Disbursements  
Consulting Engineer  -  + $15,000.00  
Permit Fees  -  + $1,600.00  
**Total added Expenditures For Sewer Fund**  -  + $16,600.00  
**Net Revenue for Sewer Fund**  -  + $43,400.00

Alderman Stone made the motion these proposed amendments be approved. Seconded by Alderman Cortez. Passed unanimously.
ANIMAL CONTROL DIRECTOR'S REPORT
Animal Control Director Santiago Morantez was not present but left written reports for Council.

LIBRARY DIRECTOR'S REPORT
Library Director Cassandra Cortez reviewed her power point report with Council.

CODE COMPLIANCE OFFICER’S REPORT
Code Compliance Officer Scott Traeger told Council that things are slow since the grass has stopped growing.
He told Council that he sees a lot of sprinklers going during the day and this won’t be allowed if Stage 1 is declared.

PUBLIC WORKS DIRECTOR’S REPORT
Public Works Director James McGrath said that TCEQ had the city’s underground gasoline tanks inspected and that since the tanks did not have cathodic protection the tanks will have to be removed. He said the cost for this could run any where from $20,000.00 and up to $50,000.00. Mr. McGrath then gave his report with a power point presentation.

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

CITY SECRETARY’S REPORT
The City Secretary gave a power point presentation as her monthly report.

MAYOR’S REPORT
Mayor Bowen told Council the Burger King is coming along and they hope to open some time in September.
The Mayor told Council that budget workshops would be held the next two Mondays and they will have a chance to look at things for the future and ask questions.
Mayor Bowen told Council school will be starting soon and everyone needs to watch the speed limits.

Meeting adjourned at 10:54 p.m.