Minutes of Regular Meeting held May 11, 2020

Regular meeting with the following present: Mayor Mark Bowen; Aldermen Erik Dahler, Ruben Gonzalez, Jerry Stone, Sam Cortez, Laura Reyna; City Secretary Josie Campa; Animal Control Director Santiago Morantez; Director of Public Works James McGrath; City Attorney Tom Cate; Police Chief Richard Priest.

Visitors: Chris Clouser, Sam Parks, Ralph Minard, Ruby Minard, Chris Cox, Derrick Barbee, K.K. Calame, James Griffin, Noel Wilkerson Holmes.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Mayor Bowen opened the regular meeting at 6:33 p.m. and led everyone in the pledge to the flag.

VISITORS'/CITIZENS' COMMENTS
Chris Clouser from Lake Shore Estates HOA told Council that Lake Shore Estates internet is not good and said they have been talking to CommZoom about getting better internet service in Lake Shore. He said a survey has been done at Lake Shore and everybody wants better internet. He asked Council if something can be done about the terrible internet service at Lake Shore and expressed the importance of good internet especially now with so many people working from home. Mayor Bowen told Mr. Clouser that this would be discussed later in the meeting.

APPROVAL OF MINUTES AND APPROVAL OF PAYMENT OF BILLS
City Secretary Josie Campa added three more bills that came in that afternoon. They were as follows: TRC-$518.00 for work on subdivision code; Fuelman-$271.97 for gasoline during past week and Everbridge-$4,502.03 for nixle annual fee. The City Secretary also told Council that the bill from RAM II General Contractor includes a change order that is on the agenda. Alderwoman Reyna made the motion that no action be taken on bills due to the change order being part of bills. There was no second on this motion and Council discussed the course to take on this item. Alderman Gonzalez made the motion that Council approve the minutes of the public hearing and regular meeting on March 9th, the special meeting held March 23rd, and the emergency meeting on April 20th be approved, as presented and that all the bills with the exception of Ram II General Contracting that will be reviewed under 5A of the agenda, be approved. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON CHANGE ORDER FOR WATER TRANSMISSION LINE
Ralph Minard, owner of RAM II Contracting told Council about the corrected change order on the water transmission line. He explained to Council why the change order came about and that he had not given a 15% mark-up that he was entitled to as per the contractor. Mr. Minard felt the city was partly responsible for the needed change order because of the time lost due to the city deciding to have well acidized after the start of the transmission line project and now because of the hold up with electric service at the site. Council members Ruben Gonzalez and Laura Reyna both told Mr. Minard that he had been asked the last time if there would be more change orders and he told Council there would not be. Council was also concerned about his going ahead with work and not getting a change order prior to the work. Mr. Minard told Council that if he had waited for approval, the cost would have been four times higher. After a lengthy discussion,
CONSIDER AND ACT UPON CHANGE ORDER FOR WATER TRANSMISSION LINE (CONT.)
Mayor Bowen told Council that the city reps need to sit down with the engineer and contractor to discuss the change order. The City Secretary asked if Council could approve payment to RAM II without the change order. Alderman Dahler made the motion that Council approve payment of everything except the change order to RAM II until the change order can be discussed and settled. Seconded by Alderman Sam Cortez. Passed unanimously.

CONSIDER AND ACT UPON THINGS NEEDED FOR STARTING RECYCLING PROGRAM
Chris Cox from Waste Management talked to Council about things needed to start the recycling program. He said that Waste Management could provide door hangers, mail inserts and signage for the recycling location. He said they would also be glad to assist the city with educating the public. He reviewed the list of acceptable items for recycling, as well as items that cannot be recycled. He said that Waste Management would need direction from the city on how it wants to proceed. Mr. Cox also talked about training the people that will be running the recycling location. Council asked Mr. Cox when he anticipates the new garbage program starting and Mr. Cox said he thinks they will be able to get things going by July 1st and that the COVID-19 crisis has held the new carts up, but they still hope to have them by July 1st. He told Council the new garbage program will be a big change for the garbage customers and they would like to focus on the carts, and the recycling by the end of summer. Council questioned Mr. Cox about bulky waste pick-up being included. Mr. Cox told Council they will continue to pick up bulky waste once a month, and that they (Waste Management) will include in the info to the customers. Alderwoman Reyna said the city would have to figure out who will man the site, then educate them and then get the roll-off in place. Mr. Cox agreed and the Mayor told Council we will need to get stuff ready for this new garbage program. No action was taken on this item.

CONSIDER AND ACT UPON DECLARATION OF PUBLIC HEALTH EMERGENCY ISSUED BY MAYOR AND CITY COUNCIL ON APRIL 20, 2020 INCLUDING POSSIBLE CHANGES AND MODIFICATIONS
Council discussed whether there needs to be changes to the April 20th declaration. Mayor Bowen asked each Council member if they wanted something in the declaration changed or modified. Alderman Gonzalez told Council he feels that the #8 item concerning animal control needs to be changed by removing the last line about transports to allow for them from now on. The City Attorney told Council that Chief Priest had brought up concerns about the July 4th Fireworks display. The City Secretary told Council that the city has not been contacted by the guy that usually does the fireworks display, and nothing has been done on this because of the pandemic. Mayor Bowen told Council the City is in a holding pattern on the fireworks. Alderman Gonzalez suggested a later date for fireworks. Since Council didn’t suggest anymore changes to the current declaration, Alderman Gonzalez made the motion that the current declaration be amended by deleting the last line on #8 on Exhibit A, and therefore allow transport of animals. Seconded by Alderman Cortez. Passed unanimously.
CONSIDER AND ACT UPON PROPOSAL FROM TRC FOR IMPACT FEE RATE CREDIT CALCULATIONS
City Secretary Josie Campa told Council that the proposal from TRC is for $4,200 maximum. City Attorney Tom Cate told Council he had talked to Jeff Dahm about the proposal and that it would not cost the City anymore than the $4,200.00. Alderman Gonzalez made the motion that Council approve the proposal from TRC for $4,200.00. Seconded by Alderwoman Reyna. Alderman Dahler questioned whether this could change if scope changes. The City Attorney told Council that the only way this proposal will be increased is if the city keeps calling for changes. Motion was passed unanimously.

CONSIDER AND ACT UPON PROPOSAL FROM TRC FOR ADDITIONAL FEES FOR REVIEWING SADDLE RIDGE’S FINAL PLAT DUE TO ADDED WORK BY DEVELOPER
City Secretary Josie Campa presented the proposal from TRC to review additional items added by Saddle Ridge developer. City Attorney Tom Cate told Council he had asked about reviewing the drainage for this project and that the engineer had told him this is the main thing being addressed by developer. Alderman Gonzalez made the motion that Council approve TRC’s proposal for $3,000.00 for resubmittal review for Saddle Ridge Estates. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON APPROVAL OF SADDLE RIDGE FINAL PLAT CONTINGENT ON ENGINEER’S APPROVAL AFTER LIST OF ITEMS IS COMPLETED
City Secretary Josie Campa told Council that the Saddle Ridge developer has asked for an emergency meeting for approval of plat instead of having to wait until a regular meeting. She asked if Council would be agreeable to allowing the plat to be approved once the engineer approves it, just to expedite matters. Alderwoman Reyna and the City Attorney told Council that the code calls for the Zoning Commission to approve this plat, first. The City Secretary asked about board meetings being resumed soon. No action was taken on this item.

CONSIDER AND ACT UPON RESOLUTION DENYING AEP TEXAS INC.’S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY AND AUTHORIZING THE PARTICIPATION OF THE CITY WITH THE CITIES SERVED BY AEP TEXAS AND AUTHORIZING THE HIRING OF LEGAL COUNSEL
Alderman Cortez made the motion that Council adopt the resolution denying AEP Texas Inc.’s completed application to amend its distribution cost recovery factors to increase distribution rates within the city and authorizing the participation of the city with the cities served by AEP Texas and authorizing the hiring of legal counsel. Seconded by Alderman Stone. Passed unanimously.
DISCUSS AND CONSIDER LYTLE FARMS PETITION FOR PUBLIC
IMPROVEMENT DISTRICT (PID) INCLUDING HIRING BOND ATTORNEY TO
ASSIST ON CREATION OF LYTLE FARMS PUBLIC IMPROVEMENT DISTRICT AT
DEVELOPER’S COST
James Griffin, lawyer for Lytle Farms Public Improvement District, talked to Council about the
petition for creation of a PID for Lytle Farms. Mr. Griffin told of what was being planned for
Lytle Farms and gave Council a list of things to be done for creating the PID such as approving
the PID petition, hold a public meeting and approving the finance plans. Mr. Griffin told
Council he has already done alot of work and is ready to go. City Attorney Tom Cate
recommended to Council that they hire legal counsel to work on the PID for the city. He told
Council that Mark McLiney has recommended that Clay Binford be hired as an outside counsel
to work on the PID for the city. Mr. Cate told Council that Mr. Binford has done work with
Medina County PID, and it would make things run much smoother. Council then discussed
some changes to be discussed for the PID, and city parameters being set. Council also discussed
how they were told the PID would be for 30 years and now it has gone to 45 years, and felt this
matter needs to be discussed again. Mr. Griffin told Council he is willing to have a work session
on the matters Council wants to discuss. After more discussion, City Attorney Tom Cate told
Council they could make a motion to have someone like Mr. Binford as an outside counsel to
work on the PID. Alderwoman Reyna made the motion that Council hire Clay Binford to assist
with the creation of the PID at the developer’s cost. Seconded by Alderman Cortez. Passed
unanimously.

City Attorney Tom Cate told Council that a motion to accept the petition for the creation of a
PID, does not mean that Council accepts the PID.

Alderman Dahler made the motion that Council accept the petition from Lytle Farms for a public

CONSIDER AND ACT UPON ADOPTING PROCLAMATION AUTHORIZING APRIL
AS FAIR HOUSING MONTH AND AUTHORIZING THE MAYOR TO ACT AS THE
CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL
MATTERS PERTAINING TO APRIL AS FAIR HOUSING MONTH
Alderman Stone made the motion that Council adopt the proclamation authorizing April as Fair
Housing Month and authorizing the Mayor to act as the city’s executive officer and authorized
representative in all matters pertaining to April as Fair Housing Month. Seconded by Alderman
Dahler. Passed unanimously.

Council took a break at 7:55 p.m. and reconvened at 8:12 p.m.
CONSIDER AND ACT UPON REPLACEMENT FOR ROY SHEETZ ON MEDINA CAD BOARD
City Secretary Josie Campa told Council that Roy Sheetz had resigned as the city’s and school’s rep on the Medina CAD’s Board of Directors. She said the city and school would need to appoint someone to fill that vacancy, but since the school is closed, she has not been able to reach someone concerning this matter. Therefore, no action was taken on this item.

CONSIDER AND ACT UPON SELECTING A NEW OFFICIAL NEWSPAPER FOR CITY
Noel Wilkinson Holmes, the owner of the Pleasanton Express told Council they will be covering Lytle more since they know the Leader News is out of business now. Alderman Gonzalez questioned legalities for adopting an official newspaper. City Attorney Tom Cate told Council circulation of the newspaper is the biggest factor. After discussion, Alderman Dahler made the motion that Council name the Devine News, the city’s official newspaper. Seconded by Alderman Cortez. Passed unanimously. Mayor Bowen told Council that Natalie Spencer, the owner of the Leader News was an outstanding person and that due to a tragic accident she was killed. The Mayor asked to go on record of telling Council that Mrs. Spencer will be greatly missed by the publishing industry and the communities her papers served.

CONSIDER AND ACT UPON REQUEST FOR AMENDMENT TO CONTRACT WITH WTG GAS MARKETING
Council discussed the requested amendment to the gas sales contract. The City Secretary told Council that WTG had never asked for a rate increase before now. Council questioned this amendment to the contract since the price of natural gas is low now along with the price of oil and gasoline. The City Attorney suggested Council have a WTG representative come and explain this request to them. Alderman Gonzalez made the motion that Council table this item. Seconded by Alderman Cortez. Passed unanimously. The City Secretary will contact WTG to come to Council to explain their request for this amendment.

UPDATE ON AT & T’S PHONE AND INTERNET CONTRACT—ALDERMAN GONZALEZ AND DISCUSSION ON COMMZOOM AS AN OPTION FOR INPUTS—ALDERMAN GONZALEZ
Alderman Gonzalez provided Council with an update on the contract with AT & T for phone and internet service. He told Council that this contract expires in September and that AT & T is still working on figuring out what was billed by AT & T and paid by the city and getting the price closer to what was quoted by AT & T for this contract. Alderman Gonzalez told Council that AT & T has bundles based on technology that they can offer the city. He told Council the IT people want access to the firewall in the future and he would like to see the city office and/or the police department be able to transfer calls when one of their phone systems are down. Alderman Gonzalez said he is still waiting for AT & T to give pricing for an updated bundle but it could be anywhere from $5,500.00 per month to $6,300.00 per month depending on the bundles and the options. Alderman Gonzalez told Council he would like to see if CommZoom can be in on providing the city with a proposed bundle. Alderman Dahler told Council he wouldn’t mind
UPDATE ON AT & T'S PHONE AND INTERNET CONTRACT-ALDERMAN GONZALEZ AND DISCUSSION ON COMMZOOM AS AN OPTION FOR INPUTS-ALDERMAN GONZALEZ (CONT.)
opening this up to other companies based on specs drawn up by Alderman Gonzalez and IT people. Alderman Dahler asked if CommZoom has fiber optic lines and Alderman Gonzalez told Council that they do have fiber optic lines. Alderman Gonzalez told Council this is an opportunity for the city to get better services. Alderman Dahler asked if the IT people possess the knowledge to get specs for an RFP and to evaluate proposals and after discussion Alderman Gonzalez told everyone that Frontera Concepts can do this. Council had a lengthy discussion on whether CommZoom can provide service like AT & T. City Attorney Tom Cate told Council the items on the agenda are not on the agenda for a motion and suggested the city work on this in the meantime. Alderman Dahler said that Council’s action is not needed to work on an RFP. Mayor Bowen asked the secretary to work on this with Frontera and this be on the next agenda.

CONSIDER AND ACT UPON APPOINTMENTS TO MOBILE HOME COMMISSION
Council discussed appointments to the Mobile Home Commission. The City Secretary told Council that present members Donna Hendrick, Elisa Grothues, Jesse Camarillo and Lynn Anderson have agreed to serve on this committee if Council wants them to. The following nominations were made: Alderwoman Reyna nominated Donna Hendrick; Alderman Dahler nominated Elisa Grothues; Alderman Cortez nominated Jesse Camarillo; and Alderman Gonzalez nominated Lynn Anderson. Alderman Stone will need to come up with a nomination for this Commission. Alderman Gonzalez made the motion that Council appoint all the above mentioned nominees to the Mobile Home Commission. Seconded by Alderman Cortez. Passed unanimously.

CONSIDER AND ACT UPON APPOINTMENTS TO ZONING COMMISSION
City Secretary Josie Campa told Council that current Zoning Commission members Alex Sawicki, Wayland Simmons and Kenneth Zamzow had agreed to serve on the Commission again if Council appoints them. She told Council that Daniel Medina said he is going back to school and has asked to be replaced. The following nominations were made for the Zoning Commission: Alderman Gonzalez nominated Alex Sawicki; Alderman Dahler nominated Wayland Simmons; and Alderwoman Reyna nominated Kenneth Zamzow. Alderman Cortez and Stone will think about people for the other two positions to be filled on the Commission. Alderman Gonzalez made the motion that Council appoint all the nominees named by Council. Seconded by Alderwoman Reyna. Passed unanimously.

CONSIDER AND ACT UPON REQUEST FROM ANIMAL CONTROL DIRECTOR TO GIVE CITY OF DEVINE UNNEEDED AND UNUSED CAT KENNELS FROM ANIMAL CONTROL FACILITY
Animal Control Director Santiago Morantez told Council that he would like to contribute the old cat kennels to the City of Devine since he has no use for it and it is taking up space at the animal control facility. Mr. Morantez told Council that Devine has a very small cattery and Lytle’s old one is much roomier. He told Council that Devine does take cats from the Lytle facility. After
CONSIDER AND ACT UPON REQUEST FROM ANIMAL CONTROL DIRECTOR TO GIVE CITY OF DEVINE UNNEEDED AN USED CAT KENNELS FROM ANIMAL CONTROL FACILITY (CONT.) discussion, Alderman Stone made the motion that as per the interlocal agreement between the cities of Lytle and Devine, the cat kennels be given to the City of Devine. Seconded by Alderman Dahler. Passed unanimously.

CONSIDER AND ACT UPON PROPOSALS FROM FRONTERA CONCEPTS FOR TELE-CONFERENCEING AND/OR LIVESTREAMING COUNCIL MEETINGS City Secretary presented three proposals from Frontera Concepts for teleconferencing and/or livestreaming Council meetings. Alderwoman Reyna told Council she doesn’t feel Frontera is needed for having Zoom meetings, which is what she feels is the easiest way to hold the Council meetings. Council members discussed different ways of having Council meetings and options available. Alderwoman Reyna told Council that she feels that the meeting could be held with Zoom remotely where people and board members can attend the meetings virtually. Council discussed what needs to be done at the center to allow for this to be done. Chief Priest told Council “hot spots” would be needed since there are no phone lines at the center. Alderman Gonzalez told Council “wi-fi” drop would be needed for the community center. City Secretary Josie Campa told Council she is not Tech savvy and asked if someone with technology knowledge could take the lead on this project. Chief Priest told Council that he could look into this and that Matt Dear and Alderman Gonzalez could assist him. Council members requested this committee make sure this type of service is available for the future in case of another wave of the virus. City Attorney Tom Cate told Council this requires administrative action and Council agreed Frontera is not needed for this, and Alderman Gonzalez, Chief Priest and Matt Dear will work on getting this set up. Alderman Gonzalez made the motion that this item be tabled. Seconded by Alderman Dahler. Passed unanimously.

CONSIDER AND ACT UPON CPS ENERGY’S PROPOSAL FOR ELECTRICAL SERVICE AT WELL #4 SITE City Secretary Josie Campa told Council that the city had received a quote from CPS Energy for the electrical service at the new well site. She told Council that the total for this service is $8,585.94. Alderman Gonzalez made the motion that Council approve this proposal for electric service at the well site for $8,585.94.

Seconded by Alderman Reyna. Passed unanimously.

Mayor Bowen gave Council an update on COVID-19 cases in Atascosa County as of May 11th. He said Atascosa County Judge Robert Hurley had told him there is one new case in Lytle’s ETJ and two cases in Somerset area.

The Mayor told Council he had attended a meeting last week for Atascosa County.

Meeting adjourned at 9:42 p.m.