

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, MAY 20, 2019 AT 7:00 P.M.
WITH THE FOLLOWING MEMBERS PRESENT:

ROBERT OLMSTED, JR.
MAYOR
AMANDA CUMMINGS
CITY SECRETARY
WILL GRIFFIS
CITY ATTORNEY

ALDERMAN:
DAVID BRUEGEL
SILAS JONES
JASON WHITE

Others Present: JD Young, James Truelock, Bart Hurst, Trey Carrillo, Cory Buck, Russel Moses, Krystle Garner, Gilbert Blanco, Chris Keys, John Howell, Babette Olmsted, Joyce Olmsted, Ed Scherer, John and Jane Fabian, Cori McCall, Royking Potter, Tyler McCall, Sydney Fahnert, Jana Neighbors, Michael Neighbors, TJ McAuley, Derek Blair, and Ches Carthel

Pledge of Allegiance:

Invocation: Invocation was offered by Mayor Olmsted, Jr.

Public Hearing for Special Exception Variance for a Five year Extension for Mobile Home Located at 502 9th Street Unit A for Mireya and Jesus Galan: Public Hearing was opened at 7:05pm. Mayor Olmsted, Jr. asked if anyone was present to speak. He said the hearing would remain open and the council would conduct other business concurrently. Mayor Potter asked before closing hearing if anyone was present and wished to speak. Public hearing closed at 7:43 p.m. No one was present to speak.

Consider and Discuss TMRS Restricted Prior Service Ordinance: Amanda Cummings explained that receiving prior service credit was a condition for Michael Neighbors's rehire. The ordinance is required from the city for the Texas Municipal Retirement System to honor the agreement. Alderman White made to motion to adopt the ordinance as presented. Alderman Jones made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Appreciation of Mayor Olmsted, Jr. and Michael Neighbors Presentation:

Amanda Cummings thanked Mayor Olmsted, Jr. for his years of service as an Alderman and Mayor and presented him with a plaque and a mug. She thanked Michael Neighbors for his years of service and presented him with a plaque. Mayor Olmsted, Jr. turned over the meeting to the Municipal Judge.

Statement of Officer, Certificate of Election, and Oath of Office for Mayor

Royking Potter and Alderman Place 3 David Bruegel: Municipal Judge, TJ McAuley, swore in the candidates and had each on take their Statement of Officer and Oath of Office. Amanda Cummings provided Mayor Potter and Bruegel their Certificates of Election. Alderman Bruegel took his seat and Mayor Potter conducted the rest of the meeting.

Department Reports:

Fire Marshal: James Truelock submitted a written report.

Fire Department: Cory Buck asked if there were any questions on the written report. There were none.

Consider and Discuss the Purchase of Wildland Gear with Funds from OXY

Petroleum: Chief Buck explained that the fire department received a \$15,000.00 grant from OXY for wildland gear. He presented a quote for the equipment for the council to review. Alderman Jones made the motion to purchase the wildland gear. Alderman White made the second. The motion carried with two in favor and Alderman Bruegel abstained, Alderman Cody and Alderman Moore were absent.

Police Department: Chief Hurst submitted a written report. Chief Hurst mentioned that the OOG grant had been awarded for a patrol truck.

Utility Department: Russel Moses presented a written report. Alderman Bruegel asked where he was on staffing. Russel said he was looking for a general laborer and either a director or assistant director.

Consider and Discuss Bond and Sewer Update: Ches presented a written report. He added that L. Howard has proposed a change in the bridge crane that will decrease the amount to what we were awarded by the TWDB. Alderman Jones asked if there is potential for other savings. Ches, said yes. He said he sent the TWDB the bid information and is waiting to hear back.

Consider and Discuss City Assistance with the Purchase of Caliche for Ave T Alley

for Mr. Hohertz: Amanda said that Mr. Hohertz paid \$9,600.00 to put a caliche base down in the alley and he wanted to see if the city would assist with the cost. Amanda stated that this is a benefit to the city and it will help the city to better maintain the alley. She mentioned that we

could require this in the subdivision ordinance for future development. She said that she and Russel were going to discuss this with Ches. Russel Moses stated that it is a benefit to the city and he thinks we should require it in the ordinance. There was no action.

Consider and Discuss Audit Agreement with Bolinger, Segars, Gilbert, and Moss

for September 30, 2019 Audit: Amanda explained this is the annual agreement to have BSGM perform the annual audit. Alderman Jones made the motion to hire BSGM to perform the September 30, 2019 audit. Alderman White made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider and Discuss Speed Limit Sign being moved to the City Limits on the South Side of CR5850 and Avenue L and the School Zone Placement:

Amanda explained that she has received complaints of speeding on Avenue L and that there is not a speed limit sign up to or from 1729. Mayor Potter made the statement that a speed limit sign should be placed to slow traffic as they enter Shallowater at the city limits. Chief Hurst agreed and said that he drove to 1729 and there were no speed limit signs either way. He agreed that a 30mph sign should be placed on the south side of CR5850 and Ave L. Amanda said she has discussed the issue with Commissioner Seay to notify them and ask if they needed signs lowering the speed limit before the city speed limit is posted. He said yes, and they would work on getting signs in the county. Amanda said that she contacted TXDOT and the school zone light and sign are in compliance at the current location. She mentioned the cost to move the school zone sign would require another power source. Russel Moses reiterated that there would be a significant cost to move the School Zone sign and light. Alderman White made the motion to place a 30 mph speed limit sign on the south side of CR 5850 and Avenue L. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore were absent.

Consider and Discuss Traffic Control for the Little League Field:

Mayor Potter mentioned that Amanda has discussed this with Commissioner Seay and the county has agreed to pay for and install "Children at Play" signs on their property. Amanda mentioned that Billy Medley had suggested speed bumps, and the county and the city agree that is not a viable option. Chief Hurst added that the Little League has used their own traffic control devices in the past and when they do so it places any liability on them and not the city. Amanda explained that because the street is inside the city limits and traffic control devices are being discussed it is a council decision to allow the "Children at Play" signs. Alderman Jones made the motion to allow the signs contingent on the county purchasing and installing the signs. Alderman Bruegel

made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider and Discuss the Special Exception Variance for a Five year Extension for Mobile Home Located at 502 9th Street Unit A for Mireya and Jesus Galan:

Amanda explained that the Galan's requested to keep their mobile home at the same address for another five years. It has been there for seventeen years. They are considering an upgrade, but they did not have that information at the time of publication. Amanda said there were no comments or complaints from citizens regarding this issue. Alderman Bruegel made the motion to allow the special exception variance at 502 9th Street Unit A. Alderman White made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider and Discuss Interlocal Cooperative Purchase Affiliate Agreement with Plainview (Aerial Mosquito Spraying):

Amanda explained that the agreement does not require us to participate, but gives us the option for aerial mosquito spraying. Amanda said that Ransom Canyon will buy the chemical and if we choose to participate we will pay them. They require 10,000 acres to fly and the co-op allows smaller cities to be able to provide this service. The cost for Shallowater is right under \$2,000.00 for a one ounce application. Will Griffis stated this agreement does not commit the city to participate, but allows us to. Alderman Jones made the motion to join the co-op for aerial mosquito spraying. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider and Discuss Appointing Associate Municipal Judge: Judge McAuley explained that he has an opportunity to spend time with his family in DC for approximately one month. He said he wanted the city to have an experienced judge that we could call on if needed. He recommended Jan Blacklock Matthews and presented her credentials. Judge McAuley said that he would pay her out of his stipend. Will Griffis stated that it would be best for her to be paid directly from the city and we will need an agreement. Alderman White made the motion to appoint Jan Blacklock Matthews as the Associate Municipal Judge to perform duties in Judge McAuley's absence. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider and Discuss Personnel Policies: Mayor Potter asked the council for information. Will Griffis stated that positions that are appointed by the council (i.e., department heads) are terminated by the council, but for the positions that are not appointed, it makes sense for the city officers to take necessary actions to hire, fire, and perform disciplinary actions. Will provided an organizational chart that separated employees into categories of appointment and hired staff. Alderman Jones explained that grievances were discussed at the meeting and that Texas is an “At Will” state. The grievance policy clarified the language that non-appointed employees that would be consistent with the “At Will” laws of the state. Alderman Jones requested clarification of state laws and city policy. Currently, it states the Mayor is responsible and the proposed language is to change it to the City Administrator. Alderman Jones stated this has nothing to do with the appointed officials and in his opinion he is not sure why the Mayor was named in the first place. He thinks the City Administrator should be responsible for the employees reporting to department heads. Alderman Jones asked for more clarity and to identify responsibilities. He asked that Will and Amanda come up with a breakdown for next month’s meeting. Alderman Bruegel said he would like to wait until next month. Alderman White made the motion to table this item and discuss it next month. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Open Forum: JD Young said there is not much we can do to control the traffic at the Little League field. He said we should follow what Chief Hurst says. He said that he is he glad to have a new Mayor and maybe we should put it back on the ballot to have a City Manager run city in the future. Keny Arnold asked why EMS would be discussed in executive session. Amanda Cummings mentioned the City Hall Essentials training coming up and asked the council to let her know if they plan to attend before the prices increased. Cori McCall said that she believes in the new Mayor and asked everyone to give him a chance. She also asked why the city does not have a website or a way to get out information. Amanda explained that the city is looking into affordable options and will bring the council information soon.

Consider Minutes of Previous Meeting(s): Alderman Bruegel made the motion to accept the minutes as printed. Alderman Jones made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider Financial Report: Alderman Bruegel made the motion to accept the financials as printed. Alderman Jones made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

Consider Bills Payable: Alderman Jones made the motion to pay the bills. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

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The council went into executive session under Section 551.071 consultation with city attorney at 8:27 p.m.

The council reconvened in regular session at 9:15 p.m.

Consider and Discuss EMS Service: Mayor Potter explained that this was his first meeting with the council and he has some fresh ideas. He has asked the crew and the council to give him an opportunity to meet with UMC. Alderman White made the motion to table the item to allow Mayor Potter an opportunity to meet with UMC. Alderman Jones made the second. The motion carried with three in favor and Alderman Cody and Alderman Moore absent.

There being no further business, meeting was adjourned.

Amanda Cummings, City Secretary

Royking Potter, Mayor