

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, MARCH 16, 2020 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER
MAYOR
AMANDA CUMMINGS
CITY SECRETARY
WILL GRIFFIS
CITY ATTORNEY (VIA CONFERENCE CALL)
RUSSEL MOSES
CITY ADMINISTRATOR

ALDERMAN:
DAVID BRUEGEL
CHRIS CODY
JASON WHITE

Others Present: Paul Farris, James Andrews, JD Young, Thomas Parker, Cory Dulin, Kyle Carruth, Charles Hohertz, Michael Stalter, Jeremy Stewart, Herb Clardy, TJ McAuley, Trey Carrillo, and Ches Carthel

Pledge of Allegiance: The meeting was opened at 7:02 p.m. by Mayor Potter and the pledge was conducted.

Invocation: Invocation was offered by Alderman Cody.

Public Hearing for Zoning of Lots 1-69 in Highland Heights; Lots 1-39 R-1 Single Family Residential and Lots 40-69 R-2 Two Family District Duplexes: The public hearing was opened at 7:04 p.m. Mayor Potter said the hearing would remain open and the council would conduct other business concurrently. Mayor Potter noted that Kyle Carruth was present to speak on this item before closing the public hearing at 7:31 p.m.

Public Hearing for Final Plat Highland Heights Lots 1-69: The public hearing was opened at 7:04 p.m. Mayor Potter said the hearing would remain open and the council would conduct other business concurrently. Mayor Potter asked if Kyle Carruth would like to speak on this item. Mayor Potter added that the plat was approved by a previous council and stated that we need to finalize the plat because there is nothing on this plat that has not been seen before. Amanda Cummings stated that the plat is about to be filed with the county. Kyle Carruth mentioned that TXDOT does not allow water runoff on FM 1294 and as a result of the drainage issues some of the lots were shifted. The park was originally further back, but had to be moved to the southeast section of Highland Heights and this is the reason we are here today. Amanda Cummings explained that she highlighted all previous council actions for Highland Heights in the information provided to the council. Mayor Potter asked if anyone else present would like to speak on this item before closing the public hearing at 7:31 p.m.

Public Hearing for a Variance Request for a Workshop to be Placed in the

Backyard at 1205 8th for Scot Goen: The public hearing was opened at 7:04 p.m. Mayor Potter stated that Mr. Goen was trying to get back to make the meeting but was unable to. Alderman Bruegel asked what the variance was for. Mayor Potter and Amanda Cummings explained it was for the size and height of the accessory building. Amanda added that woodworking is his hobby and the shop would not be used for commercial purposes. She mentioned there have been no complaints or comments and the Building Inspector has reviewed and approved the plans. Mayor Potter asked if there was anyone else present to speak at the meeting for this issue. The public hearing was closed at 7:31 p.m.

Open Forum: 7:04 p.m. Mr. Herb Clardy stated he is new to Shallowater and he asked if there are any storm shelters in the community. Mayor Potter stated that the domes north of the high school are available. Jeremy Stewart asked him if he knew where the domes were located. Mr. Clardy said yes. Mr. Clardy asked if there is a warning system. Mayor Potter stated that yes we have sirens at both water towers, the baseball field, and near the Fire Department and it is a continuous tone.

Department Reports:

Fire Department: Jeremy Stewart presented the report. He asked if there were any questions. He mentioned that due the Coronavirus the Lubbock Area Fire Conference has been postponed. Mayor Potter stated that he had lunch with Cory Buck and the current information that he has received from the Fire Department is that gatherings should be limited to two hundred people or less. Mayor Potter stated that we are doing business as usual and should take care of each other during this time and check on the elderly. He added that our community is close enough and we should look out for our neighbors because that is what built this community.

Emergency Management: Thomas Parker added that he and Cory have been watching the Corona updates and severe weather season is approaching and they are preparing for it. They will continue to watch the Coronavirus guidance from the county, but at this time we will continue to operate normally and monitor the situation. Thomas stated there are no known cases in Lubbock County at this time.

Municipal Court: Judge McAuley stated that he went to training in Addison and they discussed legislative update. Court costs are now referred to as traffic fines. He explained there are five pre-adjudicated cases and 42 active warrants. He added that there are seven Driver Safety cases, five community service, and 11 payment plans. He added that Will has one pre-trial in the morning. Judge McAuley mentioned that Marla is doing a great job and she is scheduled for training in July.

Police Department: Mayor Potter stated that Russel Moses would answer any questions on the written report. Russel stated the officers are issuing a warrant which is why they are not present. He added that he can direct any questions to the Chief if he could not answer them. There were no questions.

Utility Department: Paul Farris presented a written report. Mayor Potter stated that they attended a meeting last week at the Water Treatment Plant and he is pleased with the progress. He said things are moving along nicely.

Consider and Discuss Bond and Sewer Update: Ches presented a written report. Ches added that the Mayor made the same comment he was going to make about the progress.

Consider and Discuss Final Plat for Lots 16-18 and Lots 27 and 28 in

Diamondhead Estates IV: Mayor Potter stated there are no surprises here. Mr. Hohertz wants to sell five more lots. Amanda Cummings stated that the engineer, Fire Marshal, Fire Chief, she, and Russel have all reviewed and there were no issues. Alderman Bruegel asked if this would be similar to 16th Street in platting fewer lots at a time. Amanda Cummings said yes. Alderman Bruegel made the motion to accept the final plat. Alderman J. White made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Discuss Annexation of Avenue V Including the use of Irrigation Well- Mr.

Hohertz: Charles Hohertz stated that he plans to annex the west side of Avenue V. There is an irrigation well on one of the lots on the west side that is used for 30 acres of sub-irrigated cotton to the east. He said he plans to develop the west side of Avenue V from 5th to 8th Street to allow for ingress and egress. Mayor Potter noted the map in the packet marks the location of the well. Mr. Hohertz said he would like to continue to use the well until he sells the lots. Mayor Potter asked Will Griffis about the water rights. Will stated that our ordinance does not allow for the drilling or reworking of a well inside the city limits without council approval. Will recommended the council allow him use of the well when annexed and when the lot sells or is no longer used the council can take further action. Will stated the well does not have shared ownership. Mayor Potter confirmed that all Mr. Hohertz can do is irrigate the cotton with the well and that would alleviate the reservations the council may have. Amanda Cummings stated that it cannot be voted on until the property is annexed. Mayor Potter stated the annexation process and the public hearings are required before any action can be taken. Will Griffis said he can request a variance after the land is annexed. There was no action taken at this time.

Consider and Discuss Sealed Bids for 1988 Backhoe: Amanda Cummings opened the three sealed bids. Steve Payne placed a bid of \$1,000.00, Koley King placed a bid of \$1,001.00, and Jesus Valverde Jr. placed a bid for \$2,000.00 Alderman Cody made the motion to accept the

bid from Jesus Valverde Jr. for \$2,000.00 for the 1988 Backhoe. Mayor Potter recommended accepting the highest bid. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Sealed Bids for the 2010 Dodge Charger: Amanda Cummings stated there were no bids accepted for the 2010 Charger. JD Young stated there is another Charger that should be placed for bid. Mayor Potter stated that he contacted B&R Auto today and asked him if they wanted to take it. He recommended that if either B&R or Wrench-A-Part offered anything he thought we should take it and if not we need to get rid of it. Alderman Bruegel asked if it could be recycled. Mayor Potter stated that is what this would be. Mayor Potter added if B&R would haul it off he recommended we offer it to him first because he is local. Alderman J. White made the motion to accept any monetary value for the charger or to have it hauled off. Alderman Cody made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Zoning of Lots 1-69 in Highland Heights; Lots 1-39 R-1 Single Family Residential and Lots 40-69 R-2 Two Family District Duplexes:

Alderman Cody made the motion to adopt the zoning as presented. Alderman J. White made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Final Plat Highland Heights Lots 1-69: Alderman J. White made the motion to accept the final plat for lots 1-69 in Highland Heights. Alderman Cody made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Variance Request for a Workshop to be Placed in the

Backyard at 1205 8th for Scot Goen: Alderman Bruegel made the motion to grant the variance for a workshop to be placed in the backyard at 1205 8th Street for Scot Goen. Alderman Cody made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Options for Avenue Q Land that the City has Received

Payment for or Closed with the Title Company: Mayor Potter stated that there was a track of land that we accepted bids for and it was awarded to place a 24 hour fitness center, but the city has not received payment or closed on the land. Alderman Cody asked where the

property is located. Amanda Cummings explained that it is north of Young City Park and South of the Church of Christ property. It is approximately three acres. She added the previous bidder was working with the Church of Christ on the survey and shared sewer line costs, but the land was never officially closed after almost two years. Amanda asked the council if they wanted to place the land back up for bid and if so what they want the minimum price to be for frontage property. Alderman Bruegel stated there can be deed restriction on what can be placed there. Mayor Potter said there should also be a closing date set and a set period for money to be received. Alderman Bruegel said he did not think it should go back up for bid at this time. Mayor Potter stated that he wants people to know the land is available for development. Alderman White asked if people are showing interest. Amanda and Russel Moses said yes. They have visited with four interested parties. Alderman Cody asked who are the interested parties and what do they want to develop. Amanda said someone wanted to possibly open a day care, the Church of Christ, Tammy Hamersley has expressed interest, and she has talked to the people that own Ruby Red. Alderman Cody asked what the plans for the churches are. Amanda Cummings said the Catholic Church was planned to be a ten year build out. The Catholic Diocese is helping to fund the project. She added that the Church of Christ anticipated a three year build out, but they have mentioned it is moving faster than they anticipated. She added that Ches has provided the Church of Christ details on the force main so they can plan the installment of the sewer line. Jeremy Stewart added that the Church of Christ has a specific dollar amount they would like to have in the bank before construction begins, but they are building the fund faster than they expected. Mayor Potter asked Alderman Bruegel why he did not think it should be placed back up for bid. Alderman Bruegel said it goes back to when it was originally placed up for bid and he felt like it should have a Broker's Price Opinion so we do not undercut any of our developers and be good stewards of the property. He added that this would give a guideline to go from to set the minimum. Mayor Potter said he thinks we should raise the minimum price and we should make it public that the land is available. Mayor Potter agreed that the Broker's Price Opinion is a good idea and he asked if we should consider discussing at a later meeting pending the Broker's Price Opinion. Will Griffis stated that no action is needed now because the city has two options to place it up for bid or have a public auction to sell the land. No action was taken at this time.

Consider and Discuss Certification of Unopposed Candidates: Mayor Potter stated that Alderman Jason White, Alderman Troy White, and Alderman Norman Moore were up for election. Alderman Moore has opted not to run and Kyle Yeager has signed up for Alderman Place 1. All of the candidates are unopposed therefore we will not have an election this year. Amanda Cummings stated as the Election Officer for the City she has certified the unopposed candidates and this notice will be placed at every polling location. She stated no action is required, but it was recommended as an agenda item. No further action was taken.

Consider and Discuss Ordering Cancellation of 2020 City Officers Election:
Alderman J. White made the motion to order the cancellation of the 2020 City Officers Election.

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

Consider and Discuss Ordinance Cancelling 2020 City Officers Election: Alderman J. White made the motion to adopt the ordinance cancelling the 2020 City Officers Election. Alderman Cody made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider and Discuss Water Tower Inspections and Repair Work: Paul Farris explained that both towers passed inspection but are in need of repairs, and the tower on Avenue Q requires more work currently. Russel Moses added that there could be a year or two between the two towers needing work done. Paul stated that the latest repairs on Avenue Q were in 2006 and the Texas Avenue water tower was last repaired in 2008. The work needed on Avenue Q is to the stairwell, repairing ulcerations, and paint. Mayor Potter asked if there is any leniency if we are making efforts to repair the wells. Russel Moses said a paint job is a paint job and they may not pass the next inspection. There was discussion on when inspections are done and Russel stated annually in January. Paul said it takes time to complete the repairs and the tower will be out of service. Paul added that the council will need to make the decision of the value of each tank and how much we want to continue to invest moving forward because the age progresses the deterioration. Mayor Potter mentioned to the council we discussed a stand pipe north of town, but the estimated cost is \$7.00 per gallon of storage. Ches said a stand pipe could potentially be a little cheaper than a tower, but \$7.00 per gallon for storage is the going rate. The Texas Avenue tower holds 50,000 gallons and to build a stand pipe with the same storage capacity would be approximately \$350,000.00. The repairs are approximately \$100,000 for this tower, but Paul said he is concerned moving forward that there will be more expensive issues. Russel mentioned this is only a quote from the inspectors and we have not gone out for bid. Mayor Potter stated this could be further discussed during budget workshop but he wanted the council to be aware. There was discussion on getting a bigger newer tank with longer lasting equipment and how that would compare to the cost of future repairs to the older tower. Paul mentioned that as the legs go out on the Texas Avenue tower or other problems or issues arise the cost of those repairs may be greater. There was also discussion on needing pressure in multiple locations in town. Mayor Potter said he recommends keeping what we have and adding additional storage to be more diversified. Alderman Cody stated that we should look at where the growth is coming from. Kyle Carruth added that he dedicated acreage in Highland Heights for water storage. Ches added another consideration that TCEQ has a rule that there should be 100 gallons of storage per connection and as we grow we may

need more storage per TCEQ rules. Russel noted that the greater need is the Avenue Q tower and it will stay regardless so we will have no choice but to fix it. Alderman Bruegel asked if we could replace the Avenue Q tower for a larger newer tower. Mayor Potter said the cost would be too great. The Avenue Q tower holds \$100,000 gallons and that would be \$700,000.00. Mayor Potter and Russel added we would not want all of the storage isolated in one location. Mayor Potter reiterated that a decision would not be made tonight, but for the council to be aware of it and when we have more information we will discuss during budget workshops. No action was taken at this time.

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

Consider Financial Report: Amanda Cummings mentioned that she included FEMA updates and upcoming project information in the financials. She said we are close to finalizing the FEMA reimbursement and listed the balance on all accounts. Alderman Cody asked about 10th Street and if we are planning on completing this year. Amanda said once we finalize with FEMA we can move forward and we hope to start the project in this fiscal year. Alderman Cody made the motion to accept the financials as printed. Alderman Bruegel made the second. The motion carried with three in favor and Alderman Moore and Alderman T. White absent.

Consider Bills Payable: Alderman Bruegel asked about the payments for the GIS mapping and where we are. Amanda explained that they are ready and have tried to schedule training, but we are waiting on the laptops to be set up from IT. She added that we have the laptops, and once they are ready we will schedule training and can begin utilizing the GIS mapping system. Alderman J. White made the motion to pay the bills. Alderman Bruegel made the second. The motion carried with 4 in favor and Alderman Moore absent.

There being no further business, meeting was adjourned at 8:01 p.m.

Amanda Cummings, City Secretary

Royking Potter, Mayor