

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, NOVEMBER 16, 2021 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER

MAYOR

AMANDA CUMMINGS

CITY SECRETARY

WILL GRIFFIS (VIA CONFERENCE CALL)

CITY ATTORNEY

RUSSEL MOSES

CITY ADMINISTRATOR

ALDERMAN:

DAVID BRUEGEL

CHRIS CODY

JASON WHITE

TROY WHITE

KYLE YEAGER

Others Present: James Andrews, Thomas Parker, Cory Buck, TJ McAuley, JD Young, Paul Farris, Shawn Claunch, Ashley Carr, Bryce Stewart, Jeremy Stewart, Anita Hebert, Warren Yeager, Mike Steen, Rusty Smith, Jordan Smith, Kathy Williams, Brian Williams, Nicole Williams, John Glenn, Cam Treeby, and Leonard Nail

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

Invocation: Invocation was offered by Mayor Pro Tem Cody.

Public Hearing on Proposed Zoning of C-4 for the .516 Acre Tract at the Corner of 12th Street and Avenue F for a Proposed Storage Rental Business for Rod

Burgett: The public hearing was opened at 7:02 p.m. Mayor Potter asked if anyone is present to speak on this item. Rod Burgett was present. TJ McAuley stated that he had a comment about the zoning and proposed business at this location. He stated that he was informed that there would have to be a fence around the commercial property and he feels confident Mr. Burgett will maintain it and keep it looking nice. Mayor Potter closed the public hearing at 7:55 p.m.

Open Forum: 7:03 p.m. Amanda Cummings asked for the council and staff to keep the Carr's in their prayers. She also mentioned that the Christmas Party will be held on Friday, December 3rd at 7:00 p.m. at Prima Vista and she hoped to see everyone there. She added that she received a letter from the county stating that they are going to donate a dump truck and we will take official action at the December meeting. Mayor Potter stated that there were committee members present and he wanted to move this item up so they could get home at a decent hour.

The council went into executive session under Section 551.074 of the Government Code regarding personnel matters to discuss the Police Chief Position at 7:05 p.m.

The council reconvened in regular session at 7:35 p.m.

7:53 p.m. Cameron Treeby wanted to speak on the property at 711 Avenue F and even though it is zoned as commercial he wanted to know what would need to happen so that he could live in it. Amanda explained that it would require a variance but there are some electrical issues that need to be addressed with the Building Inspector. She stated that it could not be discussed tonight because it requires a public hearing and notices. She mentioned that the building would have to be brought up to current code. She stated that she would be happy to meet with him at City Hall to further discuss and set up a meeting with the Building Inspector. He stated that there are two addresses and there is a partition between the two buildings and he knows there is significant work to be done on the 713 Avenue F side, but he is only asking about the southern portion of the building. Amanda asked him to visit with her and the Building Inspector and they could come up with a plan of action. Mayor Potter closed open forum at 7:58 p.m.

Consider and Discuss Recommendation from the Police Chief Hiring Committee

and the Police Chief Position: Mayor Potter stated that the Police Chief Hiring Committee recommended appointing Brian Williams as the Police Chief for the City of Shallowater. Alderman Yeager made the motion to appoint Brian Williams as the Police Chief. Alderman Cody made the second. The motion carried with all in favor. Mayor Potter stated that they needed to address the salary as well. Alderman Cody made the motion to set the Police Chief salary at \$60,000 per year and that the Assistant Police Chief would be \$21.23 per hour, which was the salary before additional Interim Chief duties. Alderman Yeager made the second. The motion carried with all in favor. The council welcomed Mr. Williams. Municipal Judge McAuley issued the Statement of Officer and Oath of Office to Brian Williams as the Police Chief of Shallowater, Texas.

Department Reports:

Municipal Court: Judge McAuley stated there are 14 and a half pending cases, he mentioned if one person would submit their paper work it would be 14 cases, 84 active warrants, nine Driver Safety cases, eight community service, and eighteen on payment plans. Judge McAuley added that he sent Marla to a three-hour webinar for court and she is doing a great job for the city. Alderman Yeager mentioned that he saw that a fourteen-year-old was looking for a place to do community service and asked what was allowed. Judge McAuley stated that any nonprofit organization such as the school, city, or local churches. He stated that as long as they are not getting paid it can even be cleaning up an elderly person's yard. Amanda mentioned that they have students shred and file at City Hall.

Fire Department: Chief Cory Buck presented the report. He mentioned that the Toys for Tykes Drive is coming and the dates they would be out collecting donations. He stated that they may be getting some funds from the American Rescue Act from Lubbock County and he has meeting a coming up soon at the Lubbock County Auditor's Office and will keep the council

updated with any progress. Alderman Bruegel asked if they have the materials needed for the winter. Chief Buck stated they are preparing for winter weather.

Emergency Management: Chief Cory Buck presented a report. There were no questions.

Police Department: Assistant Chief Andrews asked if there were any questions on the written report. He stated that this was a busy month and Jeremias Rodriguez resigned and last Friday was his last day. He stated they have over 200 cases. He stated that he spoke with Sharp Shooters and they traded out some. Alderman Yeager asked if the firearms have arrived. Officer Andrews stated that the firearms are here, but they are waiting on the holsters. Alderman Yeager asked if he spoke to Dion and if they can go shoot. Officer Andrews stated that they will get certified at the Sheriff's Office after they get the holsters and schedule a time to go qualify.

Code Enforcement: Assistant Chief Andrews provided the report and explained that a few citations have been issued. Officer Claunch stated that alleyways and dumping are a problem.

Consider and Discuss the Proposed Zoning Change of the .516 Acre Tract on the Corner of 12th Street and Avenue F to C-4 for a Storage Rental Business- Rod

Burgett: Alderman Bruegel asked if there had been any comments or complaints from the neighbors. Amanda stated that there have been no complaints. Mayor Potter stated that there was one comment earlier in the meeting and they were in favor of the project. Alderman Bruegel asked if the City Attorney, Will Griffis, had any issues with it. Will stated that they looked into a special exception variance or a zoning change and he was good with the city opting for the zoning request. Alderman Bruegel stated that he is for the project, but just wanted to be sure the city was being consistent and asked if this was considered spot zoning because it was a single lot. He mentioned that a land owner to the south of him had requested something similar and was denied, but it could have been a previous council. Will Griffis stated that yes, the city tries to be as consistent as possible, but each property has unique circumstances. Jeremy Stewart mentioned this property was zoned as commercial when it was annexed. Amanda explained that it was set for the daycare, but that did not pan out, but he is correct, it was originally annexed as commercial zoning and it has been requested to change to zoning that will allow for a storage rental business. Jeremy Stewart stated that he can see this from his backyard and he does not have an issue with it. Alderman Bruegel stated that he wanted it on record that the city will consistently address all zoning issues. Mayor Potter asked for a motion on this item. Alderman J. White made the motion to allow the zoning classification for this property to be C-4 Commercial. Alderman Yeager made the second. The motion carried with all in favor.

Utility Department: Paul Farris stated that everything is going well. He stated that they will be performing maintenance during the winter. He mentioned that they hired a new employee, Daniel Brickey, and they are fully staffed again. Alderman Cody asked if the plant is running well. Paul stated that they did a clean in place and it went well. Alderman J. White mentioned that the area on Avenue L across the tracks looks so much better where the trees have been removed. Alderman Yeager stated that they are doing a good job on the potholes. He said he was going to call one in, but it was fixed before he had the chance to. Alderman Bruegel asked who is responsible for potholes on Bank Road. Russel stated that it is the county's road. Mayor Potter stated that they would like for us to take the road, but there are so many repairs needed that the city cannot financially take that on. He stated that this has been discussed several times with the county and if the road were fixed it may be a different story. Alderman Bruegel said that the County Engineer seems to think that we are responsible for everything south of 5th Street. Russel Moses stated that he did not know where that came from. Mayor Potter stated that they know it is a county road and they maintain it. Amanda Cummings added that we had to get permission from the county to do the drainage work because it was in their easement.

Engineering Report and Updates- Leonard Nail, Parkhill: Amanda stated that she wanted the council to know that Leonard has been working very diligently on the city's behalf to close out the project with the TWDB. She added that since the unexpected passing of Mr. Carthel we were not sure how to proceed with the TWDB, but Leonard has stepped in and visited with the TWDB and has a list of items needed and we have made more progress in the last few days than we have in months. She added that she is incredibly thankful for Leonard's knowledge, expertise, and efforts. She stated that Mr. Nail is highly respected in his field and she is so thankful that Leonard had been assisting with the closeout and she is confident we will be able to close out this project. The council thanked Mr. Nail. Leonard Nail thanked the council for the kind words and stated that the water and sewer studies are on target to be presented in January. He said they have built the sewer model with the results from the ADS monitoring study and the water model is about 99% calibrated. He said they are now looking at what we have and do not have to include in the report. He stated that Tuesday after he had heard the news about Mr. Carthel, he reached out to Jesse at the TWDB to discuss a plan of action to close out the project. He stated that the city will need to close out the engineering contract with Carthel Engineering and provide the documentation to the TWDB and include any changes in the scope or the price of the project, which there are none. He mentioned that the city had requested easements for the lines feeding into and out of the plant from Ches and he contacted Joey Nelson, the company Ches had previously been working with, to get the needed easements. He added that he and Amanda had been discussing the shifting of funds to account for this and it should not be an issue. He stated that Jesse mentioned the city will need to submit their existing Miscellaneous Service Agreement with Parkhill to the TWDB for their records and this existing contract will suffice for the procurement of engineering services. He

mentioned that he visited with Michael Neighbors, Jr., Ches's draftsman, and was able to get the record drawings for the project. He stated that he had a few questions on it, but he has been visiting with the Board of Engineers on how to proceed. He said he has scheduled a time to pick up the paper copies and electronic files from Carthel Engineering. He said the wheels are moving and we hope to get this closed out as quickly as possible. He added that Lee Huntoon who worked for the TWDB for many years has moved to one of the Parkhill offices in Oklahoma. He has been in contact with her as well because he knew she was involved in our project. Mayor Potter thanked him for the update and said this is great news.

Consider and Discuss Vexus Proposal for Fiber Internet Services for all Municipal

Locations and Contract: John Glenn with Vexus presented a plan to provide services. He explained the most challenging part has been getting service to the splash pad and water treatment plant. Amanda Cummings asked for it to be on record that the city will not have to pay for the \$23,000 build out. He stated that is correct. Amanda explained that what was included in their packets has been updated with what she placed in front of them. Mr. Glenn stated that there were a few modifications after discussing the project with CTSI, the company providing IT services for the city. He said that the firewalls could not handle the speeds they can bring, but that all facilities will have an upgrade in the speed for downloading and uploading. He stated that the phones will work better because they use a lot of upload speed. They mentioned that they offer a phone product, but understand that the city just entered into an agreement with 8X8 through CTSI. Mr. Glenn explained that they wanted the council to know they are a Lubbock company and explained a little about their company. Amanda explained that we are currently paying \$875 between Suddenlink and Windstream and we will be paying \$1189.94 to Vexus, but there is a substantial upgrade in the speed of service we will receive. She added that we will be a Premier Business Client with a designated Customer Service Agent that we can call directly with issues. She stated that we have had several issues with customer service on technical issues. She added that they are investing \$23,000 to build out the service connection and this proposal is what they need to see a return on their initial investment. She mentioned that one thing to consider is that Suddenlink provides cable services for the Police, Fire, EMS, and Emergency Management departments and Vexus will not be able to offer cable television free of charge. She said there are some streaming options that we are discussing to ensure the departments will have access for weather events and the EMS living quarters. Mayor Potter asked Cory Buck if this would be an issue. Chief Buck stated they could figure it out. Mayor Potter said we absolutely have to have cable services at EMS. Amanda said we will find a solution, but she wanted the council to be aware of the change. Mayor Potter asked if we would be doubling our speed. Mr. Glenn stated that doubling is an understatement in most cases it will be thirty times faster and similar from moving from the old dial up systems to ethernet and the responsiveness they can offer us as a customer will be an improvement from the other services. Alderman Cody made the motion to accept the Vexus proposal and the three-year contract. Alderman Bruegel made the second. The motion carried with all in favor.

Consider and Discuss the Street and Drainage Improvement Projects for the West Side of Avenue Q from 7th Street to 5th Street and East of Avenue Q on 5th Street and the Opinion of Cost from Parkhill:

Leonard asked if he should contact Jon Braudt from Parkhill. Amanda said absolutely if he would like to be a part of the conversation. Mayor Potter stated that he is working on meeting with the property owners to discuss the project. Amanda added that she asked Mr. Hohertz if he was still willing to share in the cost for the portion of work that is proposed for 5th Street east of Avenue Q. She stated that she broke down the expenses based on the Opinion of Cost (OPC) provided and explained that this could be over \$150,000 for him and he said he was still in play. She stated that the city hopes to work with Mr. Hohertz and Lubbock County on these projects. She stated that we discussed this with the county previously and they were positive and agreed that the work needed to be done. It was hopeful that they would work on the projects with the city. She stated that we have not sent the OPC to the county yet because we are waiting to have more information from the property owners first. Mayor Potter said the projects are needed because it is an eyesore and problematic. Amanda explained that Mr. Hohertz suggested increasing the width of the road even further for potential future use, which she agreed was a smart idea if all parties are amiable. Alderman Cody asked if Mr. Hohertz has set a maximum amount of what he is willing to spend. Amanda said no, but he has stated that he wanted to improve it because as he develops to the east it needs to be a better road and he actually approached her about working with the city and sharing costs and he is hoping the county will work with us as well. Alderman Cody asked if the county has indicated if this would be a three-way split. Amanda said no, we have discussed the project, but no dollar amounts. She said they may assist with road work that will reduce our cost, but this will have to go through the Commissioners Court. Mayor Potter stated that we are not seeking approval for the entire project today because there are several factors that have yet to be discussed we are seeking approval to move forward and pursue the project with the county and Mr. Hohertz and the numbers are also contingent on what the property owners say about the right of way. He stated that the project will have curb and gutter on the street and improve the drainage, but this is just permission to move forward. Alderman Bruegel stated that he thought the county had planned to do some substantial improvements to Avenue Q and we may not want to do something that they plan to do. Mayor Potter said the city has discussed the projects with the county and the county will be involved in both projects because we need their permission to do the work. Russel Moses stated that the county improvements may be five years out. Amanda asked Jon Braudt if he had been in contact with Jennifer at the county. He said no, he knew that I had emailed her and he was waiting for more information regarding the right of way. Amanda explained that the motion would just be for the city to have permission to proceed with the OPC, visit with the property owners about the ROW, and pursue assistance with the county. She stated that there would be bids, and more information that would be presented to the council based on the right of way and the details of partnering with the county and Mr. Hohertz. She said the OPC presented was

contingent on the right of way so there are several factors that can change the scope of the project. Alderman J. White made the motion to move forward with Parkhill on the drainage
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and road construction projects off of Avenue Q contingent upon land that can be utilized for the right of way and to pursue financial backing or assistance from Lubbock County and Charles Hohertz. Alderman Yeager made the second. The motion carried with all in favor.

Consider and Discuss Dedication of Three Feet in the Alley Between Avenue U and Avenue V for Electrical Underground Lines and Replat of Lots 1-20 in Diamondhead Estates V that Reflects a 23 Feet Alley Instead of 20 Feet- Charles

Hohertz: Alderman J. White mentioned that there was an issue with the way the gas line was installed and they need more room to place the underground electrical lines. Alderman Yeager stated that Mr. Hohertz wanted to take the three feet from the lots and dedicate it because the gas line went in crooked. Mayor Potter asked if when this was mentioned previously if there was an issue. Russel Moses stated that we actually prefer it. Amanda stated that it was discussed with Parkhill and there is no issue, it just requires a replat. Alderman J. White made the motion for the city to accept the dedication of the additional three feet in the alley and accept the replat for Lots 1-20 in Diamondhead Estates V that reflects the change. Alderman Yeager made the second. The motion carried with all in favor.

Consider and Discuss Resolution to Cast Votes for Lubbock Central Appraisal

District Board Candidates: Amanda explained that we get thirteen votes and asked how the council would prefer to cast them. Alderman Bruegel made a motion to cast all thirteen votes for Bobby McQueen. Mayor Potter recommended that we split the votes between Brady Goen and Bobby McQueen. There was discussion on how small of a percentage of the votes we have and how our votes will make little difference in the outcome. Alderman J. White made the motion to designate seven votes for Bobby McQueen and six votes for Brady Goen for the Lubbock Central Appraisal District Board of Directors. Alderman Bruegel made the second. The motion carried with all in favor.

Consider and Discuss Stipend Increase for EMS Responses and Amendment to Agreement for Emergency Medical Services with University Medical Center:

There was discussion on how this was a ten percent increase to the stipend per call and the rates per call would increase as follows:

\$146.41 for responding to a scene resulting in transport

\$66.66 for responding to a scene that does not resulting in a transport

\$33.28 for responding to a call that is canceled before arrival on the scene

The increase would become effective in December. Alderman Bruegel made the motion to accept the stipend increase from UMC and the Amendment to the Agreement for Emergency Medical Services with UMC. Alderman J. White made the second. The motion carried with all in favor.

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Consider Minutes of Previous Meeting(s): Alderman Cody made the motion to accept the minutes as presented. Alderman Bruegel made the second. The motion carried with all in favor.

Consider Financial Report: Alderman Cody asked Amanda to tell the council about the audit. Amanda explained that they were here for a day and a half and we had four official journal entries. Amanda thanked all Department Heads and her wonderful staff at City Hall because it is a collective effort. Alderman Cody stated that a day and half for a city and four journal entries is incredible. Alderman Cody made the motion to accept the financial report as presented. Alderman J. White made the second. The motion carried with all in favor.

Consider Bills Payable: Alderman Bruegel made the motion to pay the bills. Alderman Yeager made the second. The motion carried with all in favor.

There being no further business, meeting was adjourned at 8:36 p.m.

Amanda Cummings, City Secretary

Royking Potter, Mayor