

CITY COUNCIL - REGULAR MEETING

City of El Campo

**315 EAST JACKSON STREET, EL CAMPO, TX 77437
City Hall - Council Chambers 6:30 PM - September 5, 2017**

Meeting Minutes

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Title	Status	Arrived
Randy Collins	Mayor	Present	
Richard Young	Mayor Pro-Tem	Absent	
Anisa Longoria Vasquez	Council Member	Present	
Jeff Allgayer	Council Member	Present	
Gloria Harris	Council Member	Present	
Tommy Hitzfeld	Council Member	Present	
John Hancock	Council Member	Present	

City Staff Present: City Manager Mindi Snyder, City Attorney Richard Kerzee, City Secretary Lori Hollingsworth, Finance Director Courtney Sladek, Planning Director Penny Hornsby, Interim Public Works Director Kevin Thompson, Utilities Director Jerry Lewis, Personnel Director Rene Garcia, Chief of Police Terry Stanphill, EMS Director Chase Nielsen, Building Official Liz Staff, Municipal Court Judge Michelle Roy and Aquatic Center Manager Stephen Nadolski.

City Development Corporation Executive Director, Carolyn Gibson.

Media Present: None

Guests Present: Charles Kalkomey, Glenn Preuss, Chris Barbee and Steven Staff.

3. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Randy Collins led the Pledge of Allegiance, followed with the Invocation performed by EMS Director Chase Nielsen.

4. PROCLAMATION

1. Hurricane Harvey Humanitarian Efforts

Mayor Randy Collins read aloud the Hurricane Harvey and Aftereffects Humanitarian Efforts Awareness Proclamation. Mayor Collins also stated that last week he knows we had a lot of people praying and we were blessed to have not gotten what our neighbors 15 - 20 minutes away endured. Mayor Collins expressed gratitude for the Churches that stepped up, city staff, department heads, police department, fire department, EMS and all the volunteers we are all grateful. We are lucky and blessed however we were very prepared. Thank you and a round of applause.

RESULT: NO ACTION REQUIRED

5. PUBLIC COMMENTS

At this time, any person with city-related business, not scheduled on the agenda, may speak to the City Council. In compliance with the Texas Open Meetings Act, the City Council is limited to making a statement of specific factual information in response to the inquiry, or reciting existing policy, but may not discuss, deliberate, or take any action

on any item. Each speaker will be limited to 3 minutes. The issue may be placed on a future agenda for consideration.

City Development Corporation Executive Director, Carolyn Gibson took to the podium to express gratitude to the city, county, police, fire and EMS for their preparedness prior to the storm and the aftereffects. She also stated it makes her job so much easier.

6. PUBLIC HEARING

1. Public Hearing on Tax Increase

Mayor Randy Collins entered into the Public Hearing at 6:36 PM. There being no one present for discussion or comments, Mayor Collins closed the Public Hearing at 6:37 PM.

RESULT:	NO ACTION REQUIRED
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7. CONSIDERATION OF AND ACTION ON MINUTES

1. City Council - Special Called Meeting - Aug 14, 2017 4:30 PM

Council Member Hitzfeld made the MOTION to accept and approve as presented Minutes from the August 14, 2017, Special Called Meeting - Workshop - at 4:30 PM. Council Member Harris Seconded.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tommy Hitzfeld, Council Member
SECONDER:	Gloria Harris, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT:	Young

2. City Council - Regular Meeting - Aug 14, 2017 6:30 PM

Council Member Harris made the MOTION to accept as presented Minutes from the August 14, 2017 Regular Council Meeting at 6:30 PM and Council Member Vasquez Seconded.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gloria Harris, Council Member
SECONDER:	Anisa Longoria Vasquez, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT:	Young

8. CONSIDERATION OF AND ACTION ON

1. Update on Current Storm Harvey impact

The Mayor asked that this item be placed on the agenda in the event that we need to receive an update from our Emergency Management Coordinator. It is intended to be a report on status and a time to ask questions in regards to the process.

Chief of Police Terry Stanphill presented an update stating they started the ramp up on Wednesday August 23, 2017, and by Friday when reports of catastrophic flooding were used in the same sentence as Wharton County with the potential of 15 - 25 inches of rain. He also wanted to express how well the new building was as an EOC and the ability to house all the disciplines of the public safety team. EMS lost air support and had to make several ground transportations to San Antonio. There were several times we were slotted to be a pass through county and town for neighboring evacuating counties / cities. Chief Stanphill also stated that they did assist Wharton as requested. Chief Stanphill stated we had a plan and were well prepared. He also stated that Wharton County is a pass through county and that it is advised against opening shelters in pass through

counties. Shelters should only be opened in pass through counties when the ability to evacuate is gone. This is all set up by the State of Texas in compliance with the State Evacuation Plan. The coastal counties evacuate to their designated sister city and pass through Wharton County and others as needed.

RESULT: NO ACTION REQUIRED

2. Budget Workshop

If warranted, additional time for budget discussion will be available during this item.

No further discussion at this time, concluded discussion and presentations during preceding Council Workshop.

RESULT: NO ACTION REQUIRED

3. DOC-2017-59 Schedule Public Hearing on Proposed Budget

As required by City Charter, the City must hold a public hearing on the proposed budget. Staff recommends September 11, 2017 for the hearing. A notice of the revenues and expenditures will be included in the newspaper prior to the hearing.

Council Member Harris made the MOTION to set the date of September 11, 2017, at 6:30 PM Regular Meeting for the Public Hearing on the FY 18 proposed budget and Council Member Vasquez Seconded.

RESULT: APPROVED [UNANIMOUS]
MOVER: Gloria Harris, Council Member
SECONDER: Anisa Longoria Vasquez, Council Member
AYES: Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT: Young

4. Contract Mowing Services

The Planning Department issued an invitation to bid on July 8, 2017 for mowing contract services for a) City parks, properties and entrances to the city and b) private properties in violation of City Code. Two bids were received and opened at 10:05 a.m Monday July 24, 2017. The bidder, GCP Contractors, LLC was the lowest for both options.

Code Enforcement has historically requested bids for overgrown lots within the City Limits and a standardized process exists.

However, the mowing contract services for City parks, properties and entrances is a completely new program which staff believes would best be implemented incrementally. 13 of the 21 areas have been selected as part of a "pilot program" to gauge the quality of work, create a schedule, ascertain the benefit to the community and determine if the option allows City resources to be utilized elsewhere. As the areas of mowing responsibility have increased, staff levels have remained the same. However, the staffing levels for the Parks Department will not be reduced. Reassigning Parks personnel to focus on specific areas that are in need of attention such as city landscaping, park play areas, tree health, water bodies, trails, and facilities would ensure that the community is benefiting from the best application of city staff skill and knowledge.

The contract and bid tabulation is attached for Council's review and consideration. Staff would recommend proceeding as presented.

Concluding discussion from the Council Workshop, Council Member Hitzfeld made the MOTION to table contract mowing services and Council Member Vasquez Seconded.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tommy Hitzfeld, Council Member
SECONDER:	Anisa Longoria Vasquez, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT:	Young

5. DOC-2017-60 ORDINANCE NO. 2017-14 RIGHT OF WAY MANAGEMENT

The Ordinance and additional documents are provided pending legal review at this time. This item was time sensitive in that SB1004 went into effect on September 1, 2017 and this item was originally intended to be presented and approved at the August 28, 2017 meeting. Since that meeting was cancelled due to Hurricane Harvey, it is intended that the City Council will consider approving this effective retroactively.

Planning Director Penny Hornsby explained that this would have an effective date of August 28, 2017, due to the effort made prior to September 1, 2017, even though passed and approved on September 5, 2017. Planning Director Hornsby also explained this came about after SB 1004 was passed with an effective date of September 1, 2017. She also stated that this is taking a lot of decisions out of the cities hands regarding wireless networks. There are several cities that have filed law suits over this. As of September 1, 2017, we are not allowed to deny right of way access to anyone that wants to place a pole or network node in our right of way. Planning Director Hornsby clarifies that ORDINANCE NO. 2017-14, Amending Chapter 36 by the Addition of Article 3 Management of the Right-of-Way, is to protect our current infrastructure, set standards, implements a permit process and application fee schedule. This must be in place prior to the other two. Planning Director Hornsby also stating, we have ORDINANCE NO. 2017-13, Approving an Appendix A Installation of Network Nodes and Node Support Poles, that sets the standards and criteria for installation of nodes and also an agreement for attachment of nodes to any of our existing utility poles. ORDINANCE NO. 2017-12 Right-of -Way Management Regulating the Physical Use, Occupancy and Maintenance, is for wireless network providers, includes a permit fee, application fee and a yearly rental fee. If these are not approved we would have nothing in place to protect our current right of ways. Currently we have three applications to place 55 feet poles in our right of ways. If we don't pass these, we don't have any standards that they have to abide by and we wouldn't be able to collect any fees and with the new law we can't deny their application.

Mayor Collins asked City Attorney Kerzee for clarification. City Attorney Kerzee responded that this has never come up before and the intention was there to have these approved before September 1, 2017, and that's why we are making effective date retroactive As Harvey was making land fall the Texas Supreme Courts were off, deadlines were extended. So if we were to be sued we would go into court with Harvey in our hands.

After a brief discussion, Council Member Harris called for the question.

Council Member Harris made the MOTION to pass and approve ORDINANCE NO. 2017-14 on September 5, 2017, with an effective date of August 28, 2017 and Council Member Hitzfeld Seconded.

RESULT:	APPROVED [5 TO 1]
MOVER:	Gloria Harris, Council Member
SECONDER:	Tommy Hitzfeld, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld
NAYS:	Hancock
ABSENT:	Young

6. 2017-13 Design Manual and Pole Attachment Agreement Ordinance

Senate Bill ("SB") 1004, enacting a new Chapter 284 in the Texas Local Government Code, was signed by the Governor on June 9, 2017. With an effective date of September 1, 2017, this new law imposes strict limitations and prohibitions on cities' regulation of what are commonly referred to as "small cell antennas" or "distributed antenna systems" (defined in the bill as "Network Nodes," "Node Support Poles," and "Transport Facilities"). The maximum amount of compensation cities can demand from the providers of wireless services using these facilities is also prescribed by the new law. The effective date is crucial to cities. By this date cities must have ordinances and processes in place or else find themselves unable to influence the location and appearance of these facilities in the public right-of-way ("ROW").

This ordinance inserts an Appendix A into the current infrastructure design manual and details the design and placement specifications detailed in the new law. The pole attachment agreement is specifically for those Network Providers intending to affix Nodes to existing utility and service poles. The ordinance, design manual Appendix A and license agreement has been submitted to the City Attorney for review and is attached for Council's consideration pending legal's approval.

Council Member Harris made the MOTION to pass and approve ORDINANCE NO. 2017-13 on September 5, 2017, with an effective date of August 28, 2017 and Council Member Vasquez Seconded.

RESULT:	APPROVED [5 TO 1]
MOVER:	Gloria Harris, Council Member
SECONDER:	Anisa Longoria Vasquez, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld
NAYS:	Hancock
ABSENT:	Young

7. 2017-12 Right of Way Management Ordinance

Chapter 284 in the Texas Local Government Code allows a city to require a permit and application as well as receive compensation for the use of the right-of-way by Network Providers not only for new network node poles but also for affixing nodes to service and utility poles. This ordinance requires compliance to Appendix A in the existing infrastructure design manual, establishes procedures and timelines for review and response to applications for permits, and fees and rental rates in strict compliance with the new law. The ordinance and the wireless network permit application have been submitted to the City Attorney for review and are attached for Council consideration pending legal's approval.

Council Member Harris made the MOTION to pass and approve ORDINANCE NO. 2017-12 on September 5, 2017, with an effective date of August 28, 2017 and Council Member Hitzfeld Seconded.

RESULT:	APPROVED [5 TO 1]
MOVER:	Gloria Harris, Council Member
SECONDER:	Tommy Hitzfeld, Council Member
AYES:	Collins, Vasquez, Allgayer, Harris, Hitzfeld
NAYS:	Hancock
ABSENT:	Young

8. Silver Sneakers Program

Recently staff learned of the opportunity to partner with Silver Sneakers for use and promotion of the Aquatic Center. This free program supports senior exercise programs. Members of the program will be able to use the Aquatic Center for free, and the City will receive reimbursement from their provider, such as Medicare. This will further promote our center and provide additional use for our seniors. Currently, the Heritage Center participates in this program.

Attached is promotional literature regarding the program.

Aquatic Center Manager Stephen Nadolski stated this was a program for over the age of 65 and that several supplemental insurances participate. Also stating that eligibility for the program may be verified by typing name in at the silversneakers.com.

Finance Director Courtney Sladek stated that the City of Palacios currently participates in the program.

Aquatic Center Manager Nadolski explained that each person would still sign up with the pool and won't be out anything since the Aquatic Center doesn't have an enrollment fee. They will be issued a silver sneakers card and the Aquatic Center will be issued a card reader, every visit they swipe we are reimbursed. We are hoping to get this approved for the water aerobics as well.

Finance Director Sladek stated there was no action to be taken; this was just to get approval / informative prior to processing the application. Once we here back with a price or a fee, it will be brought back to Council.

RESULT: NO ACTION REQUIRED

9. DOC-2017-61 Renewal of Insurance Coverage through Texas Municipal League Intergovernmental Risk Pool

Renewal came in at \$131,708.08, an increase of \$25,955.30 over last year. The majority of this increase is attributed to the addition of the \$10.2M Public Safety facility.

Council Member Hitzfeld made the MOTION to approve renewal of insurance coverage through Texas Municipal League Intergovernmental Risk Pool as presented and Council Member Vasquez Seconded.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tommy Hitzfeld, Council Member
SECONDER: Anisa Longoria Vasquez, Council Member
AYES: Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT: Young

10. DOC-2017-62 Renewal of Workers Compensation Insurance with Texas Political Subdivisions

Renewal was \$74,986.00, which is slightly less than last year.

Council Member Hitzfeld made the MOTION to approve the renewal of workers compensation insurance with Texas Political Subdivisions as presented and Council Member Vasquez Seconded.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tommy Hitzfeld, Council Member
SECONDER: Anisa Longoria Vasquez, Council Member
AYES: Collins, Vasquez, Allgayer, Harris, Hitzfeld, Hancock
ABSENT: Young

9. CLOSED EXECUTIVE SESSION

1. Closed Session pursuant to Section 551.087 of the Texas Government Code to deliberate negotiations regarding an economic development prospect

The Closed Session began at 6:38 PM.

RESULT: NO ACTION REQUIRED

10. RECONVENE AND TAKE ACTION

Reconvened at 7:15 PM, with no action taken.

11. ADJOURN

There being no further business to discuss, Mayor Randy Collins adjourned the meeting at 7:59 PM.

Attest:

Lori Hollingsworth, City Secretary

Randy Collins, Mayor