

**MINUTES OF
BULLARD CITY COUNCIL REGULAR MEETING
SEPTEMBER 8, 2020**

A Regular Meeting of the City Council of the City of Bullard, Texas, was held Tuesday, September 8, 2020, 6:00 p.m. at Bullard City Hall, 114 South Phillips, Bullard, Texas, with the following present:

**Mayor: Pam Frederick
Mayor Pro Tem: Bryan Willis
Councilmember: Shirley Coe *
Councilmember: Lane McDaniel
Councilmember: Terry Mebane**

**City Manager: David Hortman
Police Chief: Gary Don Lewis
Finance Director: Sonja Richey
Utilities Director: David Wells
City Secretary: Doris Crockett**

Absent: Councilmember Mark Anderson

Meeting Order: Call to Order; Roll Call; Invocation; Pledge to Flag

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ITEM 1 - CITIZEN PARTICIPATION – NONE

**ITEM 2 – CITY OF BULLARD, TEXAS, TAX NOTE, SERIES 2020 –
ORDINANCE AUTHORIZING ISSUANCE**

Mr. Clark Kimball and Mr. Paul Jasin, Specialized Public Finance Inc., were present regarding the issuance and sale of the City of Bullard Texas Tax Note, Series 2020 for constructing, maintaining, improving and upgrading municipal facilities and infrastructure, related materials and professional services and costs of issuance related to the note. Approximately fifty (50) banks were solicited and Citizens National Bank, Round Rock, Texas, is the bank chosen with the terms of 0.985% interest rate, callable anytime at par plus accrued interest. The closing date is set for Monday, September 29, 2020.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Coe and carried unanimously, the following Ordinance was adopted authorizing issuance and sale of City of Bullard, Texas Tax Note, Series 2020 to be purchased by Citizens National Bank, Round Rock, Texas, with the closing date of September 30, 2019, at an interest rate of 0.958%:

ORDINANCE NO. 2020 – 0908-01

ORDINANCE OF THE CITY OF BULLARD, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF BULLARD, TEXAS, TAX NOTE SERIES 2020; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

ITEM 3 - PUBLIC HEARING – 2020 PROPOSED TAX RATE

Mayor Frederick declared the Public Hearing open to consider the 2020 tax year proposed property tax rate. The proposed tax rate is \$.595599 (\$.294097 for M&O and \$.301502 for I&S) per \$100 valuation.

No one spoke at the Public Hearing.

Mayor Frederick closed the Public Hearing.

ITEM 4 – ORDINANCE ADOPTED LEVYING AD VALOREM TAXES FOR THE 2020 TAX YEAR

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried with the following vote, Council voted that the property tax rate be \$.595599 which will raise more taxes for maintenance and operations than last year's tax rate and this tax rate will effectively be raised by 3.50% and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$9.95:

AYES: Willis, Coe, McDaniel, Mebane

NOES: None

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried with the following vote, the following captioned Ordinance was adopted setting the tax rate for fiscal year 2020-2021 at **\$.595599** (\$.294097 for M&O and \$.301502 for I&S) on each \$100 valuation of property:

AYES: Willis, Coe, McDaniel, Mebane

NOES: None

ORDINANCE NO. 2020-0908-2

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF BULLARD, TEXAS, FOR THE 2020-2021 FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, Item 6 was moved up for consideration.

ITEM 6 – 2019-2020 BUDGET AMENDMENT ORDINANCE ADOPTED

On motion by Councilmember Coe, seconded by Mayor Pro Tem Willis and carried unanimously, the following captioned Ordinance was adopted amending the 2019-2020 Budget by moving funds budgeted in accounts for which expenditures will not be needed to those accounts for which additional expenditures will be needed:

ORDINANCE 2020-0908-4

**AN ORDINANCE AMENDING THE 2019-2020 BUDGET
OF THE CITY OF BULLARD, TEXAS, ADOPTED SEPTEMBER 10, 2019**

***Councilmember Shirley Coe left the meeting at this time.**

**ITEM 4 – SOLID WASTE RATES – INCREASE IN RATES BASED ON CPI –
RECOGNITION OF INDUSTRIAL ROLL-OFF RATES CHARGED BY
CONTRACTOR DIRECTLY TO CUSTOMERS– ORDINANCE ADOPTED**

On motion by Mayor Pro Tem Willis, seconded by Councilmember Coe and carried unanimously, the following captioned Ordinance was adopted increasing solid waste rates in relation to an increase, based on CPI, by contracted provider Republic Services, Inc. (Allied Waste) as authorized in their contract, and recognition of industrial roll-off rates charged by contractor directly to customers, with the increase commencing with the first billing on the 1st day of October, 2020:

ORDINANCE NO. 2020-0908-3

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BULLARD, TEXAS
AMENDING CHAPTER 26, ARTICLE II, SECTION 26-29 CHARGES FOR
COLLECTION AND DISPOSAL OF SOLID WASTE RATES OF THE BULLARD CITY
CODE TO PROVIDE FOR REPUBLIC SERVICES, INC. (ALLIED WASTE) RATE
INCREASES UNDER CPI AND RECOGNITION OF THE INDUSTRIAL ROLL-OFF
RATES CHARGED BY CONTRACTOR DIRECTLY TO CUSTOMERS; PROVIDING
FOR A PENALTY AND CONTAINING A SEVERABILITY CLAUSE.**

**ITEM 5 - BULLARD COMMUNITY LIBRARY – CONTRACT
FOR SUPPORT FOR BUDGET YEAR 2020-2021 – APPROVED**

Mrs. Martha Dinwiddie, Bullard Community Library Treasurer, was present on behalf of the Library with the Library's Budget and Profit Loss Statement for Council's review.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, the Council approved the contract for financial support of the Bullard Community Library for the Budget year 2020-2021 in the amount of \$1,000 per month plus an amount equal to the current monthly minimum commercial rate for water, sewer and garbage services charged in the City.

ITEM 7 – BULLARD CHURCH OF CHRIST ADDITION – FINAL REPLAT APPROVED

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**LOTS 1 & 2, BLOCK 4, TOWN OF BULLARD AND LOTS 1 & 2, BLOCK 8
GREEN VALLEY ADDITION**

The Council considered approval of Final Replat of Lots 1 & 2, Block 4, Town of Bullard and Lots 1 & 2, Block 8, Green Valley Addition into Bullard Church of Christ Addition, Vinson Moore League, A-15, at southwest corner of East Main Street and South Loveless Street – Bullard Church of Christ.

This Replat will combine 4 lots into one lot.

This Replat was approved by the Planning and Zoning Commission on August 24, 2020.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, the Replat was approved as presented.

**ITEM 8 – BULLARD CHURCH OF CHRIST – ZONE CHANGE REQUEST –
MAIN STREET AND LOVELESS STREET – APPROVED – ORDINANCE
ADOPTED**

The item was removed from the table and a Public Hearing was open to consider the request to change zoning from “R-1A” Single Family Residential District to “C-2” General Commercial District, Lots 1 and 2, Block 4, City of Bullard Subdivision and Lots 1 and 2, Block 8, Green Valley Subdivision, on East Main Street (Southwest corner of East Main Street and Loveless Street), Smith County, Texas – applicant Bullard Church of Christ.

The City Planning and Zoning Commission considered this request on July 27, 2020. During discussion of this item, it was stated that the western most lot did not appear to meet the minimum 14,000 sq. ft. required for “C-2” zoning. Pastor Randy Marion on behalf of the Church stated that their proposed buyer planned to buy both lots and construct one building on the entire property. With discussion it was decided that the applicant could have a plat approved administratively that would remove the lot line between the two lots and make one lot.

Based on the understanding that one of the lots did not meet the minimum required sq. ft. for the “C-2” zoning the P&Z Commission recommended to the City Council that the zoning be changed to “C-1” Light Commercial District unless a plat could be approved administratively making the property into one lot which would have a total more than 14,000 sq. ft., which would then fit the “C-2” General Commercial District minimum sq. ft. requirement.

Following the Planning and Zoning Meeting, the Church had contacted a surveyor to prepare a plat to make the “2” lots into one. The surveyor called the City to say that the area was actually still 4 lots. The Smith County Appraisal District (SCAD) was contacted because on their map the property showed as 2 lots. SCAD checked and concluded that in fact the property was 4 lots and that they had no explanation why it had been shown as 2 on their map. SCAD changed their map. The surveyor did prepare a new plat to make the 4 lots into 1 as presented under Item 7. This Replat was approved by the Planning and Zoning Commission on August 24, 2020.

No one spoke and there was no protest filed against this application.

The Public Hearing was closed.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane, and carried unanimously, the zone change request was approved as requested and the following Ordinance was adopted:

ORDINANCE NO. 2020-0908-5

AN ORDINANCE AMENDING THE CITY OF BULLARD ZONING ORDINANCE; DIRECTING THE AMENDMENT OF THE ZONING MAP; APPROVING A ZONING CHANGE FROM “R-1A” SINGLE FAMILY RESIDENTIAL DISTRICT TO “C-2 GENERAL COMMERCIAL DISTRICT BEING LOTS 1 AND 2, BLOCK 4, TOWN OF BULLARD, AND LOTS 1 AND 2, BLOCK 8, GARDEN VALLEY SUBDIVISION, ON EAST MAIN STREET (SOUTHWEST CORNER OF EAST MAIN STREET AND LOVELESS STREET, BULLARD, SMITH COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ITEM 9 – FRITCHER UTILITIES DBA FRITCHER CONSTRUCTION SERVICES – BLUEBONNET POINT WELLNESS INFRASTRUCTURE PROJECT – TEXAS CAPITAL FUND PROJECT TCF CONTRACT NO. 7218052 – CHANGE ORDER NO. 2 APPROVED

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, the Council authorized Change Order No. 2 to Bluebonnet Point Wellness Texas Capital Fund Project TCF Contract No. 7218052 with Fritcher Utilities dba Fritcher Construction Services for a contract cost decrease of \$25,792.00

ITEM 10 – BLUEBONNET POINT WELLNESS PROJECT – FRITCHER UTILITIES DBA FRITCHER CONSTRUCTION SERVICES – FINAL PAY ESTIMATE APPROVED – KSA ENGINEERS – CERTIFICATE OF CONSTRUCTION COMPLETION

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, Council approved of Contractor’s (Fritcher Construction) final pay estimate of \$136,565.61 (final contract amount for completed project is [\$1,365,656.05] with retainage reduced to 0%) and accepted the Certificate of Construction Completion (COCC) submitted by KSA Engineers and Fritcher Utilities dba Fritcher Construction for Bluebonnet Point Wellness Texas Capital Fund Project TCF Contract No. 7218052.

ITEM 11 – TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL – VOTES FOR BOARD OF TRUSTEES

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, votes cast for Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool were as follows:

Place 1 – Robert T. Herrera
Place 2 – John W. (Buzz) Fullen
Place 3 – Jeffrey Snyder
Place 4 – Kimberly Meisner

ITEM 12 – STAFF REPORTS

- a. Building Permits/Code Violations Report; Brook Hill arena under construction; inquiry about food trucks; building related permits and inspections, solicitors and temporary use permits; growth in various subdivisions; and Code violations with new emphasis on junk vehicles; – **Danny Ray**
- b. City Engineer Report – current and future water and sewer needs - **Brian Capps**
- c. City Secretary Report – working with Smith County 911 on assigning addresses; continuing work on zone change request for Bullard Church of Christ and now including plat submission; work on Budget/Tax Rate adoption Notice, Publication and Posting requirements; updated SAM registration; awaiting printing of contact cards for Scofflaw Program; continue processing paperwork associated with the Bluebonnet Point Wellness nursing home project; and processing requests, giving notice, attendance and recording of City Council Meetings, P&Z Meeting and BEDCO Meeting; and preparation of legal documents – **Doris Crockett**
- d. Finance Report – review of expenditures, receipts and balances since last report, including Budget summaries – **Sonja Richey**
- e. Human Resources Department Report – processed new employee for Street Department; assisted employee with insurance coverage; open records request; updated employee salary as requested; requested COVID-19 reports on employees to return to work; insurance open enrollment for 2020-2021 began; open a Worker’s Comp file on an employee; processed 3 payrolls; maintained shared office calendar; processing department change information access; and related duties associated with employees and employment - **Jennifer MacWhirter**
- f. Municipal Court Report – Statistics for warrants issued, court activity and fines and fees collected – **Diana Folmar**
- g. Police Department Report - Calls for Service or Case Investigations, Traffic, Arrest, Warrants, Cases Filed and general Police activity – **Gary Don Lewis**
- h. Public Relations/Communications Department Report – usage statistics of City’s website, Facebook, Police Facebook, Instagram, Twitter, and Civic Ready; updates to website & City app; participation in joint information center regarding COVID-19; and Christmas Kickoff planning meeting – **Lexie Hudson**
- i. Utilities Director – Monthly Work Report for Water Department, Wastewater Department, Street Department and Parks Department; routine daily checks for water and wastewater; water line leaks; patching pot holes and clearing and cleaning rights-of-way; routine daily

cleaning and inspection of equipment at Parks; and sewer stoppage calls – **David Wells**

Finance Director Richey reviewed the financial report.

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Police Chief Gary Don Lewis invited the Council following the meeting to see a demonstration of equipment that has been installed by Police Sgt. Jeremy Farmer for a drone command center in the back of a Police SUV for real time viewing. The system was built using minimum financial resources.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, Staff Reports were approved as presented.

ITEM 13 – MINUTES APPROVED – AUGUST 11, 2020 AND AUGUST 25, 2020

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, City Council Minutes for the Regular Meeting of August 11, 2020, and Called Meeting on August 25, 2020, were approved as presented.

ITEM 14 – ADJOURNMENT

On motion by Mayor Pro Tem Willis, seconded by Councilmember Mebane and carried unanimously, the meeting adjourned at 6:50 p.m.

PAM FREDERICK, MAYOR

A T T E S T:

DORIS CROCKETT, CITY SECRETARY