

April  
2018



# City of Bruceville-Eddy



143 Wilcox Drive  
Eddy, Texas 76524

254/859-5964  
254/859-5779 fax

## Notice is hereby given of a 5:00 P.M. Workshop April 12, 2018

Notice is hereby given that a **WORKSHOP** of the governing body of the City of Bruceville-Eddy will be held on the 12<sup>th</sup> day of April, 2018 at 5:00 p.m. in the City Hall at 143 Wilcox Drive, Eddy, Texas at which time the following subjects will be discussed, and or approved, to-wit:

- I. Call to Order: Mayor Connally Bass.
- II. Discussion of listed items on agenda below. No action to be taken during the workshop.

## Notice is hereby given of a 6:30 P.M. Regular Council Session April 12<sup>th</sup>, 2018.

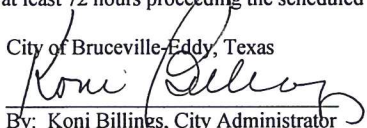
- a) Call to Order: Mayor Connally Bass.
- b) Prayer by Councilman Dean, who will then lead us in the Pledge of Allegiance.
- c) **CITIZEN TIME:** At this time we would like to listen to comments or concerns of members of the audience (*who have turned in a speaker form*). All comments are limited to a maximum of three minutes for items which have not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly before making your comments. Thank you.
- d) **CONSENT AGENDA:**
  - i. Council to consider A/P for General/Water Funds for March 2018.
  - ii. Council to consider minutes of the meetings of March 2018.
1. City Engineers: Report/ Considerations. Johnny Tabor. Council to hear updates on: Any new information in regards to the TCEQ discharge permit, the waste water surveying, streets surveying, USDA Letter of Condition, Friendly Oaks well charges, finalizing CDBG.
2. Public Works: Council may consider: Meter Approval for proposed lot belonging to CarCam Holdings, LLC. Land remains unsold to proposed buyer at this time.
3. Public Works: Update on the TCEQ Notice of Violation/Violation and annual inspection of water system.
4. Council to consider request of Tillman Infrastructure, Carrollton, TX., to approve proposed 210 ft. cell tower at 103 St. Hwy. 7, and have a Conditional Use Permit issued. Chris Prescott, Celeris Group, Arlington, TX. who represents the construction portion of the tower build, has requested costs of permitting and zoning fees necessary to expedite the request for the CUP order.
5. Council to consider the May 1<sup>st</sup>, 2018 construction start date of the BE city complex building. Council to consider the sub lease, ground lease and request to assign a signatory for the sub lease and ground lease.
6. Council to review and take action as necessary regarding Bruceville-Eddy Independent School District's (ISD's) March 5, 2018 response to City's (1) questions regarding irrigation of ISD's athletic field(s), ISD's interest in proceeding with new water well application under City ordinance governing water wells, water utility lines and service to the ISD's ballpark tract along IH 35, and Miracle Lane and other easement issues associated with the ISD's ballpark tract; and (2) City's request that ISD provide a specific proposal that addresses each of these issues. Council to possibly deliberate with legal counsel in Executive Session under Texas Government Code §551.071.

*All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development). The City is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the City Secretary at least 48 hours in advance. Please contact the City Secretary at (254) 859-5964 or at the web address of [city-sec@bruceville-eddy.org](mailto:city-sec@bruceville-eddy.org) or by fax at (254) 859-5779 for information or assistance.*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City of Bruceville-Eddy is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the official notice case, at City Hall of City of Bruceville-Eddy, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 8<sup>th</sup> day of April 2018, at 3:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

City of Bruceville-Eddy, Texas

(seal)

By:  Koni Billings, City Administrator



# City of Bruceville-Eddy



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Eddy, Texas 76524

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2. Public Works: Council may consider: Meter Approval for proposed lot belonging to CarCam Holdings, LLC. Land remains unsold to proposed buyer at this time. Council may take action on approval of bids for repairs at Tolbert Well. Pumps/Motor at well head and at bottom of well not functioning. Water department to present.
3. Public Works: Update on the TCEQ Notice of Violation/Violation and annual inspection of water system.
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ADDITION  
FOR WATER

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City of Bruceville-Eddy, Texas

(seal)

By: Koni Billings, City Administrator

# City of Bruceville-Eddy

143 Wilcox Drive  
Eddy, Texas 76524

(254) 859-5964 Telephone  
(254) 859-5779 Fax

## **APRIL 12<sup>TH</sup>, 2018 MINUTES OF THE WORKSHOP AND REGULAR MEETING OF THE GOVERNING BODY OF BRUCEVILLE-EDDY**

Council members present were: Mayor Connally Bass, Allen Trigg, Frank Holt, Gary Lucas, Jason Dean and Halbert Wilcox. Also present, City Administrator Koni Billings, Johnny Tabor, city engineer, Ignacio Perez, city attorney. Representatives and attorneys were invited to participate in the discussion regarding a proposed cell tower on State Highway 7. Those participants were Attorney Bebb Francis, Attorney Robert Kleeman, Chris Prescott, Doug Walsh, Mark

Mayor ProTem Connally Bass called the workshop to order at 5:05 pm.

All items on the agenda were discussed, with the time spent on explanation and description of the proposal to build a cell tower using much of the workshop time.

1. A follow up on the bill that was sent to the firm which had rehabilitated the Friendly Oaks wells, was addressed and Mr. Tabor noted that the water guys were responsible to have called Otis before they called him to report the sand that was in the wells. Otis has offered \$4k, with a no further responsibility clause to be part of the motion to accept the proffered payment to settle the claim.
2. No motions or approvals were made at this workshop.

Mr. Dean offered the prayer, and then led the Pledge of Allegiance.

The workshop was adjourned at 6:14 pm.

## **REGULAR MEETING OF THE GOVERNING BODY OF BRUCEVILLE-EDDY**

Mayor ProTem Connally Bass called the meeting to order at 6:34 pm.

Council members present were: Mayor Connally Bass, Allen Trigg, Frank Holt, Gary Lucas, Jason Dean and Halbert Wilcox. Also present, City Administrator Koni Billings, Johnny Tabor, city engineer, Ignacio Perez, city attorney. Mr. Dean offered the prayer, and then led the Pledge of Allegiance.

- Citizens Time: Darlene Moore, 407 Horseshoe Bend, Eddy, spoke to the conditions of the roads. She told the Council that they should be ashamed of the state of the roads. She let them know that the lack of interest in the city progress was the reason for her consideration to move out of the city. The Council members were unable to respond to her statements, it was citizen time, and not agendized.
- Leonard Abiliez, 203 State Highway 7, Eddy, Texas spoke to the Council regarding his opposition to the cell tower that is on the agenda for discussion. He does not want it built, he is concerned that it is on his property

or the property line, and it poses a risk to his home and property. He feels that it poses a risk to his health, and that the tower will have ice and issues if high winds develop that could impact the safety of his home.

- Consent Agenda: A motion was made to accept the March payables, and minutes of the March meetings for 2018. Motion was made by Frank Holt and was seconded by Gary Lucas to accept the minutes and the payables. All in favor.

Item 1: City Engineers Report: Johnny Tabor spoke to the updates that he had given the council during the workshop. He let the council know that there had not been much to update with the exception of the claim made to Tank Sandblasting Company, Odus Dow owner. Mr. Dow has made an offer to settle by a donation to the water company, with a statement of no further liability if the Council chooses to accept the donation offer of \$4 thousand dollars. A Motion was made to accept the donation and loss by Gary Lucas, a second by Frank Holt. Motion passed by vote of Frank, Gary, Hal, Allen all in Favor. Jason has abstained. 4-1. Motion passed.

Item 2: Public Works: Meter study recommendation for the CarCam property at McKee Ranch road, which is being parceled out in a twenty acre plot. Council voted to allow meter to be placed, based on the meter study made for the single owner lot by Jason Dean, seconded by Hal Wilcox. All in Favor for meter placement. Gene Sprouse presented to Council the bids that were received for two new motors for the pump and the stem casing being pulled and replaced at the Tolbert Well. The well is only 4.5 years old, but the warranty/guarantee has expired. Motion to approve the \$40 thousand dollars to repair the well and get it back on line was made by Jason Dean and a second was cast by Gary Lucas. All in Favor. The motion was interrupted by a request by Mss. Billings to move the funds needed for the emergency repair of the well from the water company budget line 60010 over to 6041, Comprehensive Planning to Well Repair. This is the only funds that are available to move, given all the repairs done in this budget year so far. The motion to move the funds were then included in the motion to repair, fund and move the line items. All in favor.


Item 3: Public Works: Update on the TCEQ Notice of Violation. Ms. Billings has noted to Council that she has posted a letter to the firm that was handling the inspections for the CSI reports that TCEQ wants for the inspections. Also, how many hours have gone into the work necessary to close this N.O.V., which is now a Violation. Mayor Bass has received notice of that. Ms. Billings let the Council know that at this time, Laura Acosta is working with Polly Porter, the Ombudsman from TCEQ in order to clear the Violation.

Item 4: Council considered request of Tillman Infrastructure to approve construction of a cell tower in the city limits. This cell tower has not been permitted. It is in an Ag zoning district. Council adjourned into Executive Session with their Attorney, Ignacio Perez, under Texas LGC §551.071 at 6:50 pm. Reconvened into Regular Session at 7: 08 p.m. Perez then opened the discussion and spoke on behalf of the Council to the agenda item requests. The attorney for the American Tower Company, Bebb Francis spoke on their behalf regarding the proposed tower being built and the fact that there is no need for

another tower in the city. ATT, who is proposing the building of the tower, already holds a lease with American. The attorney, Robert Kleeman spoke on behalf of his client Tillman Infrastructure. He noted the tax revenue the city will pick up. He stated \$300,000.00 tax valuation rolls back into the city for tax on the re-valued land. He noted that his client is willing to accommodate the city zoning ordinance and that he would like to work within the rules by applying for a CUP on the AG land. His clients also spoke and apologized for the intentioned errors that had been made. City Attorney Perez explained how the process for requesting a CUP would be handled, that Ms. Billings, would be the person to request that application from and she would then forward it for examination and discussion to the City Council, who would make a decision on the application after a 15 day notice to the landowners within 200 feet of the property lines, and Public Notice is made for a hearing where commentary would be taken. Also, that the decision will lie to approve or deny the application at a council meeting held after all commentary is made. No motion made on this item.

Item 5: Resolution 04182018-1 was accepted by a vote of All in Favor, following a motion by Jason Dean and a second by Gary Lucas. The following is to be inserted at the end of the paragraph that states: "provided that all such documents are approved by the city council prior to executing said documents". It was also noted that approval of said documents are first reviewed by the City attorney, and will be subject to the appraisal return that has been requested be done on the property.) Both the ground lease and the sub-lease will be reviewed by the City Attorney before signatures are attached.) All in Favor.

Item 6: Council adjourned into Executive Session under TLGC §551.071 at 7:50 p.m. Council reconvened at 8:50 into Regular Session. Motion for Ms. Billings to forward email to the water attorney with any new paperwork regarding Miracle Lane dedication research was made by Jason Dean and was seconded by Allen Trigg. All in Favor. Allen Trigg made a motion to adjourn at 8:48 p.m.

  
\_\_\_\_\_  
Connally Bass, Mayor  
City of Bruceville-Eddy

Seal

Minutes approved on May 10 2018

  
\_\_\_\_\_  
Koni Billings, City Administrator

City of Bruceville-Eddy Council  
Citizen Participation Form

This form is furnished for citizens that wish to address council on a matter that may or may not be on the agenda. This Council may or may not take action to the extent allowed by law.

*This is a forum to address the Council only.*

Please fill out this form and turn in to the City Administrator prior to the meeting being called to order.

NAME Leonard Abily M

ADDRESS 203 Hwy 7 Eddy

PHONE # \_\_\_\_\_

SUBJECT OF CONCERN WITH INFORMATION TO BE ADDRESSED TO COUNCIL:

H4  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

**NO ACTION CAN BE TAKEN AT THIS TIME.**

1. When called on by the Mayor, please step to the podium and **state your name and address** before beginning your presentation.

2. Please limit your remarks to **five** minutes, unless previously approved by the Mayor.

3. **Persons speaking on the same topic are encouraged to appoint one spokesperson to present views of the group.**

The Citizen Participation portion of the meeting promotes a fair and open process for the governance of the City of Bruceville-Eddy. It allows people to address the City Council or register a position on any issue. This portion of the meeting is an opportunity for citizens to share their views and inform the Council about situations related to city government.

**It is not intended to be an extended discussion or a debate.**

# Bruceville-Eddy City Council Meeting Sign In

NAME

DATE

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*Darlene Moore*

04/12/18

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