



The City of Bruceville-Eddy Rising into the Future

143 Wilcox Drive
Eddy, Texas 76524

www.bruceville-eddy.u.s

Phone: (254) 859-5964
Fax: (254) 859-5779

**Telephonic City Council Meeting
December 1, 2020, 6:30 PM**

Pursuant to *section 551.127 of The Texas Government Code*, and in conjunction with the guidance and provisions provided by the governor of Texas in the declaration of disaster enacted March 13, 2020, members of the City Council may be participating remotely in compliance with the Texas Open Meetings Act, A5 temporarily modified by Governor Abbot.

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the City of Bruceville-Eddy Council will hold its regular city council meeting by telephonic conference call.

This meeting will be closed to the public; however, the public may join this meeting by calling

City Council Meeting
Tue, Dec 1, 2020 6:30 PM - 8:00 PM (CST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/440685853>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 440-685-853

1. Call to Order

- a) Greetings
- b) Invocation
- c) Pledge of Allegiance
- d) Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.
- e) Roll Call

2. Citizen Presentations

The City Council welcomes public comments at this point on items **not** specifically listed on the agenda. Speakers must sign up before the meeting begins. Speakers are limited to five (5) minutes each. The Council cannot respond to matters not listed on the agenda until a future meeting.

Citizens who wish to make public comments are asked to please email pcombs@bruceville-eddy.us by 5:00 PM on December 01, 2020. Mrs. Combs will read citizen comments during the teleconference. Citizens are asked to include their name, address, and phone number in their email, phone numbers will not be made public.



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3. Council to discuss, consider and possibly take action on amending Animal Ordinance 2020-1201 with the approved by the city attorney. Which was discussed at our November 12, 2020 meeting and tabled until new council were active. Ricky Wiggins
4. Council to discuss, consider and possibly take action on Waste Connections Inc. annual increase of .29%. Currently customers pay \$15.70 the new rate will be \$15.97. Pam Combs
5. Council to discuss, consider and possibly take action on amending resolution 2020-06 to re-instate the original ordinance that city council meetings are to be held the 2nd Thursday of each month and having workshops at 5:00 PM prior to each regularly scheduled council meeting. Mayor Bass
6. Council to discuss, consider and possibly take action on hiring Jay Stewart as part time code enforcement officer to work 20 hours a week. Sonya Bishop
7. Council to discuss update on sewer project and final lift station.
8. Council to discuss, consider and possibly take action on setting up council orientation workshop possibly at 3:30 PM on December 10, 2020. Marc Fowler

The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.

Agenda Posted On: 11-25-2020 10:00 A.M.

Posted By: 



Ordinance 2020-1201

AN ORDINANCE OF THE CITY OF BRUCEVILLE-EDDY, TEXAS, AMENDING THE ANIMAL CONTROL ORDINANCES OF THE CITY OF BRUCEVILLE-EDDY, TEXAS, BY AMENDING AND EXPANDING THOSE SECTIONS RELATING TO DANGEROUS DOGS AND DANGEROUS ANIMALS, AND BY AMENDING THE DEFINITION OF “AT LARGE”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING PUBLICATION IN OFFICIALS NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Bruceville-Eddy, Texas, desires to revise its animal control ordinances to expand the definition of dangerous dog and amend the definition of “at large”; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRUCEVILLE-EDDY, TEXAS, THAT:

ARTICLE I.

The definition of “At large” in Section 2.01.001 “Definitions” of Article 2.01 of the Code of Ordinances of the City of Bruceville-Eddy is repealed and the following definition of “At large” is hereby adopted in its place:

At large. Off the premises of the owner and not under the complete control, either by leash, cord, or chain, not exceeding six feet in length, of the owner who is then physically present with the dog; or on the premises of the owner and not within the direct, constant and immediate presence of a person having effective verbal command of the dog, or otherwise confined to said premises by means of a leash, cord, chain or secure enclosure.

ARTICLE II.

Section 2.01.012 of Article 2.01 of the Code of Ordinances of the City of Bruceville-Eddy is repealed and the following Section 2.01.012 is hereby adopted in its place:

Sec. 2.01.012 Dangerous dogs and animals

There is hereby adopted as part of this article all of the provisions of Title 10, Chapter 822, Subchapter D, as amended, of the Texas Health and Safety Code except section 822.0422.

(a) Dangerous dog has the meaning in § 822.041 of the Texas Health and Safety Code and also includes any dog that:

- (1) Makes an unprovoked attack on a person, domestic animal, or livestock that causes bodily injury or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

- (2) Is trained or harbored for fighting.
- (b) Dangerous animal means an animal other than a dog that:
 - (1) Makes an unprovoked attack on a person, domestic animal, or livestock that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
 - (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a person, domestic animal, or livestock; or
 - (3) Is trained or harbored for fighting.
- (c) The requirements for an owner of a dangerous animal shall be the same as those of an owner of a dangerous dog pursuant to § 822.042 of the Texas Health and Safety Code, as amended.
- (d) Determination that an animal is dangerous shall be conducted in the same manner as prescribed for dogs in § 822.0421 of the Texas Health and Safety Code, as amended. The court shall set a time for a hearing to determine whether an animal is a dangerous animal or whether the owner of the animal has complied in the same manner as prescribed for dogs in § 822.0423 of the Texas Health and Safety Code, as amended. A party to an appeal of a determination or a hearing under this section may appeal the decision in the same manner as prescribed for dogs in § 822.0424 of the Texas Health and Safety Code, as amended.
- (e) The provisions of this article shall not apply to dogs or other animals under the control of a law enforcement or military agency. It is a defense to prosecution under section 5-155 or section 5-156 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the animal in connection with that position.
- (f) Attack by dangerous animal.
 - (1) A person commits an offense if the person is the owner of an animal determined to be a dangerous dog or dangerous animal and the animal makes an unprovoked attack on a person, domesticated animal, or livestock outside the animal's enclosure and causes bodily injury to the person, domesticated animal, or livestock.
 - (2) An offense under this section is a Class C misdemeanor.

- (3) If a person is convicted or pleads guilty or no contest to an offense under this section in return for a grant of deferred adjudication, the court may order the dangerous animal destroyed by a person listed in § 822.004, Texas Health and Safety Code.

- (g) A person who owns or keeps custody or control of a dangerous dog or dangerous animal commits an offense if the person fails to comply with § 822.042 or § 822.0422(b) or an applicable municipal or county regulation relating to dangerous dogs or dangerous animals.
 - (1) Except as provided by subsection (2), an offense under this section is a Class C misdemeanor.
 - (2) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

- (h) In addition to those provisions under Texas Health & Safety Code 822.042(g), a person learns that the person is the owner of a dangerous dog when the owner is informed by a police officer that the dog is a dangerous dog under Section 822.0421.

ARTICLE III

Section 2.02.001 “Running at large; allowing dog or cat to suffer” of Article 2.02 of the Code of Ordinances of the City of Bruceville-Eddy is amended to read as follows:

- (a) It shall be unlawful for the owner of any cat or dog to allow the cat or dog to suffer.
- (b) The owner of any dog shall not allow the animal to be at large within the city limits. Each animal with respect to which there is a violation of this subsection and each day that a violation continues is a separate offense.
- (c) All cats are to be vaccinated and tagged if they are not caged, penned, or kept indoors at all times.

ARTICLE V.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Bruceville-Eddy, Texas, except where the provisions of this Ordinance are in direct conflict with the provision of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

ARTICLE V.

It is declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall

not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles of this ordinance since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

ARTICLE VI.

The City Secretary of the City of Bruceville-Eddy is hereby authorized to publish this ordinance in the book for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

ARTICLE VII.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

ARTICLE VIII.

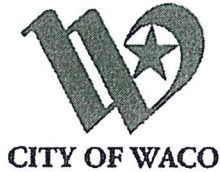
This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Bruceville-Eddy Texas and effective this _____ day of _____, 20____

_____, Mayor
CITY OF BRUCEVILLE-EDDY

ATTEST:

_____, City Secretary
CITY OF BRUCEVILLE-EDDY



Solid Waste/Landfill Department
Post Office Box 2570
Waco, Texas 76702-2570
254 / 299-2620
Fax: 254 / 299-2619

September 1, 2019

Landfill Customer

RE: Notification of City of Waco Landfill tipping fee changes.

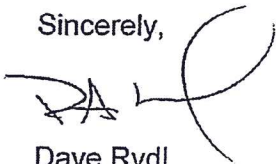
Dear Sir/Madam,

The purpose of this letter is to notify your business of a landfill tipping fee change that will take effect Oct 1, 2019. The Waco City Council has authorized an increase in our current landfill tipping fees. The City of Waco Landfill tipping fee for solid waste generated in McLennan County will increase from \$33.16 per ton to \$35.25 per ton. Wastes generated outside McLennan County will increase from \$40.92 per ton to \$43.01 per ton. The rate increase are necessary to continue to fund environmentally sound and effective solid waste operations that meet the disposal needs of our customers.

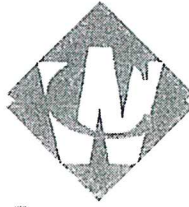
Should you have any comments or concerns regarding this change in rates please call (254) 299-2620. You can contact me at drydl@wacotx.gov.

Your time and consideration in this matter are greatly appreciated.

Sincerely,



Dave Rydl
Landfill Manager
City of Waco, Texas



WASTE CONNECTIONS, INC.
Connect with the Future

August 11, 2020

Koni Billings, City Administrator
City of Bruceville-Eddy
143 Wilcox Dr.
Bruceville-Eddy, TX 76524

Dear Ms. Billings:

Waste Connections, formerly Progressive Waste Solutions appreciates the opportunity to have serviced your community this past year. We have made every effort to ensure that you receive the best service possible at the most affordable prices.

As per our agreement, we must request from the City of Bruceville-Eddy the annual Consumer Price Index (CPI) rate adjustment called for in our agreement. The percentage of increase, calculated by the mechanism within our agreement, equals a 0.29% increase to your rates. I have enclosed the CPI information as well as a sheet with the revised rates for the services we provide. Per our agreement, we are also requesting a small increase to help cover the disposal rate increases we have incurred this year. The total increase is 1.51%. The CPI and disposal increase would bring the total to 1.80%. We request that these new rates for services rendered become effective September 1st 2020.

Waste Connections is committed to maintaining the highest quality of service to the City of Bruceville-Eddy. We would like to take this opportunity to thank the City staff, business community, and residents for your continued patronage.

Sincerely,

Jesse Wilson
Waco Assistant District Manager
Waste Connections Lone Star, Inc.

Enclosure



RECEIVED AUG 17 2020

City of Bruceville-Eddy Solid Waste Pricing Comparison

Residential Adjustment	1.80%
Commercial Adjustment	1.80%
Roll Off Adjustment	1.80%

Current Pricing Schedule

Commercial Size / Pickup	1 x Week	2 x Week	3 x Week	4 x Week	5 x Week	Locks	Extra Pickups
2 Cu Yd	\$ 95.18	\$ 162.81					
3 Cu Yd	\$ 105.19	\$ 207.89					
4 Cu Yd	\$ 122.73	\$ 207.89					
6 Cu Yd	\$ 146.52	\$ 262.99					
8 Cu Yd	\$ 207.89	\$ 415.79					

Open Top Roll Off Containers	Residential	Commercial
Haul Fee 20YD	\$ 15.26	\$ 7.51
Delivery Charge	\$ 7.51	\$ 18.36
Daily Container Rental		
Disposal per ton		

Proposed Pricing Schedule (effective September 1st, 2020)

Commercial Size / Pickup	1 x Week	2 x Week	3 x Week	4 x Week	5 x Week	Locks	Extra Pickups
2 Cu Yd	\$ 96.89	\$ 165.74					
3 Cu Yd	\$ 107.08	\$ 211.63					
4 Cu Yd	\$ 124.94	\$ 267.72					
6 Cu Yd	\$ 149.16	\$ 423.27					
8 Cu Yd	\$ 211.63						

Open Top Roll Off Containers	Residential	Commercial
Haul Fee 20YD	\$ 15.53	\$ 7.65
Delivery Charge	\$ -	\$ -
Daily Container Rental	\$ -	\$ -
Disposal per ton	\$ -	\$ -

CPI calculation for Hauling Portion

June 2020	247,223			
June 2019	246,515			
Difference	0.708	+	246,515	= 0.299%

Disposal Rate Adjustment	Tons Per Month	Current Revenue per month	% Increase
New rate \$ 35.25	X 66.48	\$ 2,343.42	
Old rate \$ 31.58	X 66.48	\$ 2,099.44	
Difference \$ 3.67		\$ 243.98	1.51%
		\$ 16,141	1.51%

CPI calculation for Hauling Portion

Disposal Rate Adjustment	0.299%
Total % Increase	1.51%
Total \$ Increase	1.80%
Total \$ Increase	290.34

Residential Revenue	\$ 12,187	1.80%	\$ 219.22
Commercial Revenue	\$ 3,954	1.80%	\$ 71.12
	\$ 16,141		\$ 290.34

$R + \$0.27 = \15.97
 $Ac + \$0.14 = \7.85
 $C + \$0.33 = \19.09
 $ETS + \$0.14 = \7.85

**CPI for All Urban Consumers (CPI-U)
Original Data Value**

Series Id: CUUR0300SA0

Not Seasonally Adjusted

Series: All items in South urban, all urban consumers, not
Title: seasonally adjusted
Area: South
Item: All items
Base: 1982-84=100
Period:
Years: 2009 to 2020

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
2009	204.288	205.343	206.001	206.657	207.265	209.343	208.819	209.000	208.912
2010	210.056	210.020	211.216	211.528	211.423	211.232	210.988	211.308	211.775
2011	213.589	214.735	217.214	218.820	219.820	219.318	219.682	220.471	220.371
2012	220.497	221.802	223.314	224.275	223.356	223.004	222.667	223.919	225.052
2013	223.933	225.874	226.628	226.202	226.289	227.148	227.548	227.837	227.876
2014	227.673	228.664	230.095	231.346	231.762	232.269	232.013	231.611	231.762
2015	226.855	227.944	229.337	229.957	230.886	232.026	231.719	231.260	230.913
2016	229.469	229.646	230.977	231.975	232.906	233.838	233.292	233.561	234.069
2017	235.492	236.052	236.154	236.728	236.774	237.346	236.942	237.892	239.649
2018	239.772	241.123	241.595	242.486	243.279	243.770	243.776	243.605	243.640
2019	242.547	243.856	245.554	246.847	246.667	246.515	247.250	246.953	246.891
2020	248.005	248.412	248.136	246.254	245.696	247.223			

Agenda Item 4

Oct	Nov	Dec	Annual	HALF1	HALF2
209.292	209.738	209.476	207.845	206.483	209.206
212.026	211.996	212.488	211.338	210.913	211.764
219.969	219.961	219.469	218.618	217.249	219.987
224.504	223.404	223.109	223.242	222.708	223.776
227.420	226.811	227.082	226.721	226.012	227.429
231.131	229.845	228.451	230.552	230.302	230.802
230.860	230.422	229.581	230.147	229.501	230.793
234.337	234.029	234.204	232.692	231.469	233.915
239.067	238.861	238.512	237.456	236.424	238.487
244.163	243.484	242.150	242.737	242.004	243.470
247.423	247.385	247.289	246.265	245.331	247.199
				247.288	

Agenda Item 6

Jay Stewart is the only candidate that has applied for the part-time code-enforcement officer position.

I am asking the council to decide because there is a conflict of interest. His mom is Pam Combs, City Secretary, and works under me at City Hall. If hired, Jay Stewart will work under Chief Dorsey and me.

Mr. Stewart was terminated from the police department. He had filed complaints about the former chief and terminated within the same day. There was a pending investigation; however, the former chief resigned before the issues being addressed with the council and the mayor.

The city needs a code enforcement officer; however, I am supportive of whatever decision the council makes regarding this situation.

Mr. Stewart has approached me on numerous occasions, asking about taking the position. I have explained due to the circumstances; I am unable to hire him without council approval. He asks for 20 hours a week and \$20.00, the same salary as our previous code enforcement officer. He is certified in code enforcement and graduating (graduated) the police academy.

I will suggest that If the council chooses to hire Mr. Stewart, he is put on 90-day probation to understand he is accountable to follow all city employee regulations.

Sonya Bishop

From: Sonya Bishop
Sent: Tuesday, November 24, 2020 8:32 AM
To: A. Lloyd Thomas; Lisa Lyon
Cc: Pam Combs; Connally Bass
Subject: RE: Cunningham

Do we have any update on the Cunningham property?

Thank you,

*Sonya Bishop MBA
City Administrator
City of Bruceville-Eddy*

From: A. Lloyd Thomas <althomas@aldrich-thomas.com>
Sent: Tuesday, November 17, 2020 2:31 PM
To: Lisa Lyon <lisal@homeabstract.com>; Sonya Bishop <sbishop@bruceville-eddy.us>
Cc: Pam Combs <pcombs@bruceville-eddy.us>; Connally Bass <mayor@bruceville-eddy.us>
Subject: RE: Cunningham

It typically takes an appraiser a couple of weeks to complete the report, followed by its review and comment. After which, a letter will be delivered to the Cunninghams explaining what is necessary to complete the release of lien process.

A. Lloyd Thomas, ALC, SIOR, CCIM, CRE

althomas@aldrich-thomas.com

NAI Aldrich Thomas Group

18 North 3rd Street
Temple, TX 76501 USA
Office +1 254 773 4901
Mobile +1 254 770 8287

From: Lisa Lyon <lisal@homeabstract.com>
Sent: Tuesday, November 17, 2020 1:28 PM
To: Sonya Bishop <sbishop@bruceville-eddy.us>; A. Lloyd Thomas <althomas@aldrich-thomas.com>
Cc: Pam Combs <pcombs@bruceville-eddy.us>; Connally Bass <mayor@bruceville-eddy.us>
Subject: RE: Cunningham

Not on my end.

Lisa Lyon-Jackson
Escrow Officer
Home Abstract & Title Company

8004 Woodway Drive, Suite 100
Woodway, Texas 76712
Phone: 254.753.2466
Fax: 254.776.0584

Our office will be closed, Thursday, November 26th and Friday, November 27th, in observance of Thanksgiving.

WARNING! FRADULENT FUNDING INSTRUCTIONS

Email hacking and fraud are on the rise to fraudulently misdirect funds. Please call your escrow officer immediately using contact information found from an independent source, such as the sales contract or internet, to verify any funding instructions received. We are not responsible for any wires sent by you to an incorrect bank account.

COVID-19 NOTICE: Home Abstract is taking all necessary measures to ensure the safety of our clients and employees. We are continuing to operate as usual at this time. However, we are asking that only the parties directly involved in the closing transaction be present at closing. This will include buyers, sellers, agents and lender only. If you need to bring additional family members to closing, we ask that they remain outside during the closing. We can alternate signing spouses if needed. It is also preferred until further notice that we close buyers and sellers separately so that we can minimize larger groups together in the closing room.

From: Sonya Bishop <sbishop@bruceville-eddy.us>
Sent: Tuesday, November 17, 2020 1:27 PM
To: Lisa Lyon <lisal@homeabstract.com>; A. Lloyd Thomas <althomas@aldrich-thomas.com>
Cc: Pam Combs <pcombs@bruceville-eddy.us>; Connally Bass <mayor@bruceville-eddy.us>
Subject: Cunningham

Do we have any updates?

--
Sonya Bishop, MBA
City Administrator
City of Bruceville-Eddy
www.bruceville-eddy.us
254-859-5964 ph.
254-859-5779 fax

City of Bruceville-Eddy Property. CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error. Any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the original and any copies. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of The City of Bruceville-Eddy.

RE: Peggy Cunningham and Charles Cunningham
Property: 416 N Old Bruceville RD., Bruceville, TX 76630
BOA loan #: 0250077574
Request: DOT Taking

Good Afternoon,

I have received your email on the, Cunningham â€“ DOT Taking request. The appraisal is scheduled to be completed by 12/03/20. Please let me know if you have any questions.

Thank you,

James Heck
Specialty Servicing Advocate
Partial Release, Mortgage and Vehicle Servicing Operations
Bank of America
TX2-981-03-25, 7105 Corporate Dr., Plano, TX 75024
877-430-1446 ext. 414814
partial_release_requests@bofa.com

From: A. Lloyd Thomas [mailto:althomas@aldrich-thomas.com]
Sent: Tuesday, November 24, 2020 2:16 PM
To: Partial Release Requests <partial_release_requests@bofa.com>
Cc: peggy_cunningham@att.net; Lisa Lyon <lisal@homeabstract.com>; Sonya Bishop <sbishop@bruceville-eddy.us>; npirkle@namanhowell.com
Subject: RE: BOA loan #: 0250077574 / PARTIAL RELEASE REQUEST

Good afternoon, Mr. Heck.

We are checking in with you to see if there is anything the appraiser needs from us to complete his assignment. If there is nothing else needed, can he provide an estimated date of completion?

A. Lloyd Thomas, ALC, SIOR, CCIM, CRE

althomas@aldrich-thomas.com

NAI Aldrich Thomas Group

18 North 3rd Street
Temple, TX 76501 USA
Office +1 254 773 4901
Mobile +1 254 770 8287

From: A. Lloyd Thomas
Sent: Monday, November 9, 2020 3:38 PM
To: partial_release_requests@bofa.com