

The City of Bruceville-Eddy Rising into the Future

144 Wilcox Drive
Eddy, Texas 76524

www.bruceville-eddy.us

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

**Regular City Council Meeting
May 25, 2023, 6:00 p.m.
City Minutes**

- 1. Meeting called order by Mayor Owens at 6:00 pm**
Councilman present: Connally Bass-Mayor Pro Tem, Ricky Wiggins, Cecil Griffin, Richard Prater, and Graham McGruer.

Employees present: Kent Manton-City Administrator, Pam Combs-City Secretary, Danielle McGruer-Court Clerk, Gene Sprouse-Public Workers Director, Thomas Arnold-Code Enforcement, and Chief Dorsey.
- 2. Community Announcements**
Mayor wanted to show appreciation for all of the Spring Fest volunteers who made it such a wonderful event and she presented Cherie McGruer, Spring Fest Chair a proclamation.
- 3. Citizen Presentation:**
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.
Brent McCain, wants to thank Mr. Manton for his fast response on some question he had on the code enforcer, and I also want to thank the whole community that has reached out with support for the injured family.
- 4. Subdivision Ordinance Variance Request – FM Land Holdings LLC**
 - A. Variance Request – Road Design**
Council to discuss, consider, and possibly take action on a request by Mr. Kendell Wimberly (agent) on behalf of owner, FM Land Holdings, LLC; for a variance to Chapter 10, Exhibit 10A, Subdivision Ordinance Attachment 1 - Appendix A I., B., Engineering Design to allow a subdivision to have a 24' wide gravel roadways in lieu of engineering design requirements.
Motion made by Ricky Wiggins to deny the variance request Number 1, requesting deviation from road designs standards to allow for a 24 ft wide gravel roadway needs to conform to our subdivision ordinance, 2nd by Cecil Griffin, yeas 5, nay 0, motion passes.
 - B. Variance Request – Cul-De-Sac Design**
Council to discuss, consider, and possibly take action on a request by Mr. Kendell Wimberly (agent) on behalf of owner, FM Land Holdings, LLC; for a variance to Chapter 10, Exhibit 10A, Subdivision Ordinance Attachment 1 - Appendix A I., A., g, Engineering Design to allow a subdivision to have a cul-de-sac 694' in length in lieu of the maximum 600'.
Motion made by Graham McGruer to approve the variance request Number 2 which will allow them to extend the cul-de-sac in ordinances from 600' ft to a plan for 694 ft, 2nd by Connally Bass, yeas 4, nay 1, motion passes



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5. Preliminary Plat -Rajan Plaza (Ascent Travel Center)

Council to discuss, consider, and possibly take action on a preliminary plat submission for property owned by Bruceville Land Holdings, LLC.; being a 12.8953 acre tract of the Samuel W. Davis Survey, Abstracts No. 108, 105, further described as the Henry Askew survey, Abstract No. 396, further described as the L.M. Hint survey, Abstract No. 402 in the City of Bruceville-Eddy, McLennan and Falls Counties, Texas, being part of that called 22.95 acres described in a deed to KTVK, INC. as recorded in volume 294, page 764 of the deed records of Falls County, and a part of that called 7.28 acres, all described in a deed to Frank Mayborn Enterprises, INC., as recorded in volume 333, page 893 of the official records of Falls County, Texas; generally located southwest of the old KCEN TV station on the South bound side of I-35.

Motion made by Ricky Wiggins to approve with the conditions as the city administrator recommendation to approve preliminary plat contingent upon all MRB comments being resolved prior to final plat approval, 2nd by Connally Bass, yeas 5, nay 0, motion passes.

6. Sewer System Proposal: Overview and Introduction– Jeff Caldwell (BVRT)

Council to discuss and consider a proposal by BVRT Water Resources for the creation of a public-private partnership to provide wastewater treatment service to the residents of Bruceville-Eddy and the surrounding areas.

Motion made by Ricky Wiggins to approve the city administrator to work with BVRT and city attorney to develop a draft agreement for a public-private partnership for waste water services and bring back to the city council for further consideration., 2nd by Graham McGruer, yeas 5, nay 0, motion passes.

7. Police Chief’s Report – Chief Michael Dorsey

Calls for Service: Total 128; Arrest, Offense, Incident Reports: Total 10; Crash Reports: total 10; Citations and Warnings: Total 189; Citations Total: 135, Warnings Total:54

Police city Report for April 2023, (security checks: 297, school zone enforcement: 15, directed traffic enforcement: 12

SRO for the month of April 2023

Calls for:0; Security check: 156; Citations & Warnings: 0 citations/0 warnings; Arrest: 0

8. Public Works Director’s Report – Gene Sprouse

The new cameras are installed at the shop.

9. Engineering Reports

Engineer’s Report on New Wastewater System

Prepared on 5-18-2023

1. USDA Rural Development – New Wastewater System:

Tabor & Associates, Inc. is waiting on USDA Rural Development to issue closing instructions and authorize the project to be bid.

2. TCEQ Discharge Permit Renewal:

Tabor & Associates, Inc. received authorization from the City of Bruceville-Eddy on February 28, 2023, to prepare and submit the renewal application to TCEQ pm pr before July 23, 2023.

UPDATE: Our office will submit the completed renewal application package to TCEQ via FedEx today (5-18-23)

10. Community Development Report – Thomas Arnold



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April 2023 Report

80 active

22 closed

27 new

85 currently active

11. City Administrator's Report – Kent Manton

City Administrators Report: 5/25/2023

Sewer System

The USDA legal team has completed their review of our documentation and has released the project for movement to the loan closing process without any further stipulations! This is a very exciting milestone for our city in regards to this vital project!

Furthermore, we received loan closing instructions from USDA on 5/18/2023. In the closing instructions, we were informed of several items that need to be submitted or reworked from their original submission to include compliance with the new Build America, Buy America (BABA) requirements, compliance with the equal opportunity act, the adoption of policies and procedures outlining the conditions of service, the establishment of an annual operating budget and rate structure, among other items. A few of these must be completed before we are authorized to move the process to bidding, while several will be required after the bidding work has been completed.

We are in the process of scheduling meetings with USDA and Tabor and Associates to work through some of the nuances of these items.

Despite reaching this specific point in the process, we are still very much aware that this project will be underfunded as external market forces have greatly increased construction costs across the United States. We are still taking a multipronged approach to researching options to move the project forward, including looking to partnerships that can expand our ability to provide service. On May 19th, 2023 we will be meeting with County and U.S. representatives to discuss our project and our options.

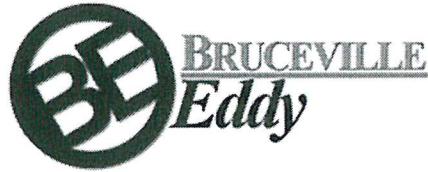
Fireworks and Burn Ordinance Revisions

We have yet to receive a revised burning or fireworks ordinance from the City Attorney's office. Mr. Bullock has raised a few questions in regard to these revision requests. We will be discussing some of the potential litigation aspects in executive session.

Water Well Repair Efforts

On the water well issues with Friendly Oaks and Westridge sites: We have one quote for a VFD and sine wave filter for Friendly Oaks from Wallace Controls and Electric to protect our well and distribution motors. The quote came in below our authorized expenditure amount however, it does not include any housing/climate control for these units which our engineering firm has recommended to protect these electronics from the Texas heat and insure their longevity.

Gordian brought Core Construction and Romo electric out to our well sites 5/10/2023. Gordian has already gone through the bidding processes required by Texas law with their vendors. We are expecting a quote to return within the next 7-10 days that will indicate and itemize all of the recommendations our engineering firm has requested for consideration.



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We will continue to prioritize Friendly Oaks at this time until it is back-up and running.

Also, I was able to reach out to the McLennan County Administrator's office to inquire about our ability to access some of their ARPA funding for providing electrical standby power at our well sites. Apparently, there was an application process for this back in 2021 that might not have been completed on our end. However, we may be able to access some of this funding should one of the entities that was awarded funding reverse course.

Street Repairs

Street repairs approved by Council through interlocal agreement with McLennan County back in March are slated to begin at the end of May or early June according to the County Foreman. We ask for patience and understanding from the community as crews begin the work of milling and resealing Crescent Creek, N Mesquite, Archie, Ausborn, and Temple. In addition, we have reached out to McLennan County and asked for an opinion and guidance on the best approach to repairs for the section of Hungry Hill Road from Hwy 7 to the creek. Justin Cross, County Foreman, stated that this overhaul would not be a huge project, but that he does not recommend milling to road base at this time. McLennan County does not do any concrete work so any bids for this type of material would need to come from private vendors. If Council desires to see this road move to a gravel one (road base) we will likely need to budget for adding new material every 1-2 years as well as approximately 48 hours of labor from the County per year for them to have a motor grader come out about once a month to regrade. Our PW crew does, however, have a box blade that they could use to regrade as needed, although it would probably not be as efficient as the County would be able to provide. Justin recommends resealing this section. We have requested the addition of Hungry Hill Road project to be included in this year's road repairs to which they have obliged. We are still awaiting an official quote for this project.

On the same note, I was able to meet with management at Helena on Tuesday March 9th to discuss the issues we are having with their trucks on Hungry Hill Road. The meeting was successful overall, starting immediately, they will begin locking the fence on Hungry Hill and directly all traffic through the front gate. The exception to this rule will be on weekends when third party vehicles arrive and must unlock the gate and at very busy times, which I've been told is a rarity. This should result in a significant decrease in truck traffic that is adding to the damage to our street. We also discussed partnering up to address a construction upgrade to the stretch of road that leads to their plant. While the regional operations manager could not make any promises, he said they would be open to considering a proposal and sending it up the chain.

Grant and Funding Opportunities

The CDBG application for waterline replacement in the 3rd/4th street alley was submitted. We are now awaiting award announcements that will take place at the end of 2023 or 2024.

T-Mobile has informed us as of 5/18/2023 that our grant application was not selected to move forward.

Committee Updates

Budget

Work on the FY 2023-2024 budget kicked off last month with a staff meeting and the first official Budget Committee took place on 5/18/2023.



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Members are working on the initial budget numbers now and will be sending out budget request forms to Department Heads shortly for input.

Staff will be recommending, and budgeting to keep the same tax rate of 0.460000/\$100 which was a decrease of 0.04/\$100 from the year prior (FY 2021-2022).

Development

We were working internally to get a set of several properties rezoned from agricultural to general business this month. These properties are along the I-35 and Hwy 7 corridors and a rezoning to general business is consistent with the future land use map listed in the comprehensive plan. This takes one hurdle out of the process for the landowners looking to develop their properties in Falls County. We hit an unexpected delay on this project and deliberations were unfortunately moved to June 22, 2023 as we were informed by Waco Tribune Herald that an internal issue resulted in the failure of our legal notices being published on time.

CREED:

No additional information since the last update.

KBAR - Eagle Ranch:

KBAR has informed the City that they will be moving forward with the submission of a preliminary plat for their property located in our ETJ with ½ acres lots and are no longer interested in annexing into the city limits at this time. They will also be seeking a variance for road construction design.

BE Travel Center (Ascent):

An official preliminary plat was submitted on 4/25/2023 for this development. Staff submitted to engineering firm the same day. We also have in the works the required zoning change that is needed to develop this land with commercial property. This will be up for discussion at our 5/25/2023 meeting.

CEFCO:

CEFCO's legal team was unsuccessful in their initial discussion with BEISD to come to an understanding on the use of Miracle Lane. I have been told that conversations are still continuing. The project is currently on hold until an understanding or alternate plans can be made. We will be discussing our options to help move their project forward in executive session.

FM Land Holdings:

A variance request is being submitted for your consideration at the 5/25/2023 meeting to the current road construction design specs. They are wanting to see if this is feasible before submitting a preliminary plat for consideration.

B-E Safe Storage and B-E RV Park

Construction still underway on both of their respective expansion projects

12. Consent Agenda



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All items listed on the consent agenda will be considered by the City Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Councilmember or a member of the public so requests.

A. Approval of Minutes

Council to discuss, consider, and possibly take action to approve the minutes from the April 27, 2023 City Council Meeting.

B. Finances – April 2023

i) Council to discuss, consider, and possibly take action to approve the April 2023 financial reports for the general, water, and sewer fund accounts.

ii) Council to discuss, consider, and possibly take action on approving April 2023 accounts payable for the general, water, and sewer fund accounts.

C. Donation Acceptance

Council to discuss, consider, and possibly take action to approve the acceptance of a \$25.00 donation to the Bruceville-Eddy Police Department by Mr. John Burns; authorization of the City Administrator to officially acknowledge and provide a letter of appreciation for said donation and place the donation into the proper account.

D. Waiver of Penalty and Interest – Property Tax Delinquency for Oncor Electric

Council to discuss, consider, and possibly take action to approve the waiver of penalties and interest associated with delinquent property taxes for Oncor Electric Delivery Company, LLC pursuant to Texas Tax Code section 33.011(j)

Motion made by Connally Bass to approve consent items A, B (i, ii), C, and D, 2nd by Graham McGruer, yeas 5, nay 0, motion passes.

Council Meeting Break from 7:55 pm until 8:03pm

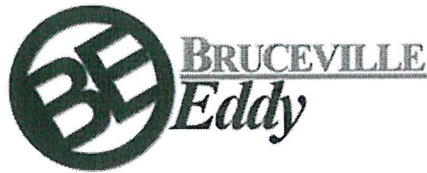
13. Preliminary Plat and Subdivision Variance Requests

A. Preliminary/Final Plat – Owens Addition

Council to discuss, consider, and possibly take action on a preliminary/final plat submission for property owned by Ms. Linda J. Owens (applicant); being a total of two lots with one being a 3.0 acre tract and the other being a 2.91 acre tract, both out of the Levi Prewitt Survey Abstract No. 723 in the City of Bruceville-Eddy, McLennan County, Texas, being part of that called 23.39 acres described in a deed to Linda J. Owens as recorded in McLennan County Clerk's Document (M.C.C.D) 2018011772 of the Official Public Records of McLennan County Texas (O.P.R.,M.C.T.), located east of Mackey Ranch Road, north of 3rd Street and adjacent to and southeast of Melissa Street.

Motion made by Ricky Wiggins to deny the preliminary plat/final plat, 2nd by Richard Prater, yeas 2, nay 0, 3 abstain, motion failed.

Motion made by Richard Prater to approve the preliminary plat/ final plat with conditions added the utility easement and emergency easement as stated in the subdivision ordinances, 2nd by Graham McGruer, yeas 5, nay 0, motion passes



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B. Variance Request – Road Design

Council to discuss, consider, and possibly take action on a request by Ms. Linda J. Owens (applicant); for a variance to Chapter 10, Exhibit 10A, Subdivision Ordinance Attachment 1 - Appendix A I., B., Engineering Design to allow a property subdivision to have a 10' wide gravel roadway with roadside ditches in lieu of engineering design requirements; for property being platted as the Owens Addition out of the Levi Prewitt Survey Abstract No. 723 in the City of Bruceville-Eddy, McLennan County, Texas, being part of that called 23.39 acres described in a deed to Linda J. Owens as recorded in McLennan County Clerk's Document (M.C.C.D) 2018011772 of the Official Public Records of McLennan County Texas (O.P.R.,M.C.T.), located east of Mackey Ranch Road, north of 3rd Street and adjacent to and southeast of Melissa Street.

Motion made by Ricky Wiggins to deny both variances (B and C) requested 2nd by Richard Prater, yeas 5, nay 0, motion passes.

C. Variance Request – Water System Design

Council to discuss, consider, and possibly take action on a request by Ms. Linda J. Owens (applicant); for a variance to Chapter 10, Exhibit 10A, Attachment 1 - Appendix A III., B., 2., Engineering Design to allow for a 2" water main in lieu of engineering design requirements; for property being platted as the Owens Addition out of the Levi Prewitt Survey Abstract No. 723 in the City of Bruceville-Eddy, McLennan County, Texas, being part of that called 23.39 acres described in a deed to Linda J. Owens as recorded in McLennan County Clerk's Document (M.C.C.D) 2018011772 of the Official Public Records of McLennan County Texas (O.P.R.,M.C.T.), located east of Mackey Ranch Road, north of 3rd Street and adjacent to and southeast of Melissa Street.

Motion made by Ricky Wiggins to deny both variances (B and C) requested 2nd by Richard Prater, yeas 5, nay 0, motion passes

14. Proposal for a Rental Registration Program

Council to discuss, consider, and possibly take action concerning the creation of a rental registration program that will regulate both tenants and landlord's tenants and landlords; council to hear an update from staff and provide the public opportunity to comment on the character of the proposed ordinance.

No Action Taken

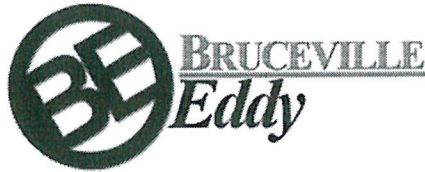
15. Proposal for Engineering Services – Hydraulic Model and GIS Map

Council to discuss, consider, and possibly take action to approve the City Administrator to enter into a proposal for professional engineering services for the purpose of preparing a hydraulic water model and GIS system map of the Bruceville-Eddy water system.

Motion made by Ricky Wiggins to approve the hydraulic model and GIS system map for the amount of \$26,800.00 for the Bruceville-Eddy water system, 2nd Connally Bass, yeas 5, nay 0, motion passes.

16. Lease Agreement – Bruceville-Eddy Youth Sports Association

Council to discuss, consider, and possibly take action to approve the Mayor to enter into a ten-year lease agreement with the Bruceville-Eddy Youth Sports Association for the purposes of using Duty Park, located at 250 Hungry Hill Road, Eddy Texas 76524 for little league baseball and softball activities.



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Motion made by Richard Prater to approve the Mayor to enter into a ten-year lease agreement with the Bruceville-Eddy Youth Sports Association, 2nd by Graham McGruer, yeas 5, nay 0, motion passes.

17. Agreement for Professional Services – James Redden

Council to discuss, consider, and possibly take action to approve the City Administrator to enter into agreement with Mr. James D. Redden; ICC License # 5291454, State of Texas Plumbing Inspector License # 3537 for a period of time not to exceed one year.

Motion made by Ricky Wiggins to enter into an agreement for professional services with Mr. James D. Redden for a period of time not to exceed one year. 2nd by Connally Bass, yeas 5, nay 0, motion passes.

18. Cast Ballot for Candidate to the McLennan County 9-1-1 Board of Managers

Council to discuss, consider, and possibly take action to vote to appoint a candidate to the McLennan County 9-1-1 Board of Managers.

Motion made by Ricky Wiggins to select Mr. Ryan Holt, 2nd by Connally Bass, yeas 5, nay 0, motion passes.

19. TXDOT Transportation Alternatives Grant Support Resolution

Council to discuss, consider, and possibly take action on resolution 5-25-2023-1 for the purpose of expressing support for the submission of a grant application for funding from TXDOT for the Transportation Alternatives Set-Aside (TA) Call for Projects.

Motion made by Connally Bass to approve resolution 5-25-2023-1 just for the purpose to support a grant application, 2nd by Richard Prater, yeas 5, nay 0, motion passes.

20. Engineering and Planning Review Cost ‘Pass Thru’ Ordinance

Council to discuss, consider, and possibly take action on ordinance 5-25-2023-1; adopting an ordinance to pass along the cost of conducting engineering and planning related services required with the process of land development.

Motion made by Connally Bass to approve ordinance 5-25-2023-1, 2nd by Ricky Wiggins, yeas 5, nay 0, motion passes.

21. Ordinance Amending the Code of Ordinances and Master Fee Schedule

Council to discuss, consider, and possibly take action on ordinance 5-25-2023-2; changes to the City’s code of ordinances and master fee schedule; updating and adding fees for building, construction, and development related fees; adding inspection schedules to building regulations.

Motion made by Connally Bass to approve ordinance 5-25-2023-2; 2nd by Graham McGruer, yeas 5, nay 0, motion passes.

**Council Meeting adjourned at 9:21 pm
Executive session begins at 9:21 pm**

22. Executive Session

A. The City Council met convene into Executive Session to Discuss the Following:



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i) Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney to receive legal advice regarding City Code compliance issues related to 101 Shady Shores Bruceville, Texas 76630.

No Action in executive session

ii) Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney to receive legal advice regarding potential fireworks regulation within the city limits of Bruceville-Eddy.

No Action

iii) Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 1.05, Texas Disciplinary Rules of Professional Conduct. Confer with City Attorney to receive legal advice regarding the legal status of Miracle Lane.

No Action in executive session

Executive Session adjourned at 10:17 pm

B. Reconvene into Open Session at 10.17 pm

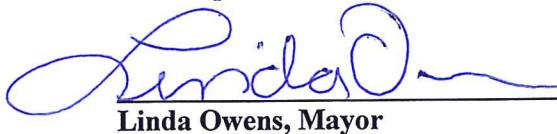
C. Possible Action on Issues Discussed in Executive Session

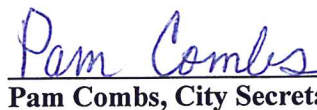
Motion made Graham McGruer to approve the city administrator to initiate a Texas Government Code 54 against property owners at 101 Shady Shores, 2nd by Ricky Wiggins, yeas 5, nay 0, motion passes.

Motion made by Graham McGruer to approve the city attorney to do a title search for Miracle Lane, 2nd by Ricky Wiggins, yeas 5, nay 0, motion passes.

23. Adjournment

Motion made by Connally Bass to adjourn the meeting at 10:21pm, 2nd by Graham McGruer, yeas 5, nay 0, motion passes.

 6/23/23
Linda Owens, Mayor Date

 6-23-2023
Pam Combs, City Secretary Date