



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

**Special Called City Council Meeting
February 1, 2024, 10:00 a.m.**

**Meetings are available to watch on our YouTube Channel:
Search for “The City of Bruceville-Eddy” and click the subscribe button.**

Please mute your phones and computers to avoid any interference during the meeting

1. Call to Order - Mayor Owens

- 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.

3. Revised Sewer System Designs – Johnny Tabor

Council to discuss, consider, and possibly take action on a revised Sewer System design with reduced service area to better align with our allotted USDA budget.

4. Public Hearing – Water Meter Moratorium

Council to hear public comments pertaining to the issuance of a water meter moratorium in the portion of Falls County that is east of Interstate Highway 35 and outside the corporate limits of the City, and properties abutting Bruceville Lane in McLennan County.

The public hearing is open to any interested persons with opinions, objections, and/or comments related to this matter. Comments related to this matter may only be expressed via mail, e-mail or, by appearing in person. Another person or attorney may also represent you.

5. Water Meter Moratorium

Council to discuss, consider, and possibly take action on ordinance 1-25-2024-1 issuing a development moratorium in the portion of Falls County that is east of Interstate Highway 35 and outside the corporate limits of the City, and properties abutting Bruceville Lane in McLennan County.



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6. Repairs to Distribution Pump - Westridge

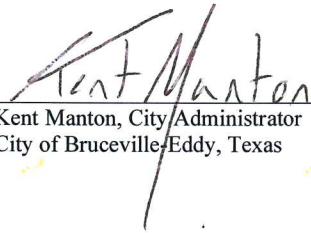
Council to discuss, consider, and possibly take action to address electrical and mechanical issues at the Westridge Water Plant site that has resulted in their inoperability, including the approval of any needed repairs and related expenditures.

7. Adjournment

For the safety of citizens, council members, and staff, upon adjourning of the city council meeting, citizens/visitors are asked to exit the building through the front entrance to City Hall immediately. Any bags, backpacks, purses, etc., that are being brought into the council meeting room are subject to security screening. Anyone (citizens, visitors) attending a city council meeting will be subjected to a metal detector screening before entering the council meeting room.

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 Administrator at least 48 hours in advance. Please contact the City Administrator at (254) 859-5700 or 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 in the 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 26th day of January, 2024 at 12:00 pm, and remained so posted, continuously, for at least 72 hours proceeding the scheduled time of said Meeting.



Kent Manton, City Administrator
City of Bruceville-Eddy, Texas

Date: 1/26/2024



ORDINANCE NO. 1-25-2024-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRUCEVILLE-EDDY, TEXAS, ENACTING A TEMPORARY MORATORIUM ON THE ISSUANCE, AUTHORIZATION, AND APPROVALS OF NEW WATER METERS ON RESIDENTIAL AND COMMERCIAL PROPERTIES WITHIN CERTAIN PORTIONS OF THE CITY LIMITS, ETJ, AND CCN OF THE CITY'S WATER SERVICE AREA, PROVIDING FINDS OF FACT, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, AND EXCEPTIONS AND WAIVERS; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the City of Bruceville-Eddy ("City"), as a duly elected legislative body, finds that it is in the best interest of the City and its citizens to adopt and enact a temporary moratorium and suspend the issuance, authorization, and approvals for new water meters for both residential and/or commercial properties located: (i) in the portion of Falls County that is east of Interstate Highway 35 and outside the corporate limits of the City, and (ii) properties abutting Bruceville Lane in McLennan County ("Moratorium Area"); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate "utility systems," which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City owns and operates a permitted municipal water utility serving customers both inside and outside the city limits; and

WHEREAS, the City has determined that it is necessary to the health, safety, and welfare of the people in the City limits, ETJ, and CCN to encourage and promote the development and use of the City's water utility and supply systems to serve the water provision needs of the citizens in the City limits, ETJ, and CCN to prevent failure of water supply within the system; and

WHEREAS, the City Council finds it to be in the public interest, and necessary for the public health, safety and welfare, that steps be taken to secure additional water supply and appurtenances for the City's utility; and

WHEREAS, the City Council has been briefed by the City Engineer on the status of the current system, future projections, and anticipated supply/demand issues; and

WHEREAS, the City Council finds that certain essential public water infrastructure, supply, and improvements in the Moratorium Area are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City staff, the City makes the following findings:

1. Taking in account all water that has been committed by contract, the City's current water facilities are inadequate to serve the Moratorium Area;
2. The moratorium is reasonably limited to the Moratorium Area; and
3. The City is actively working to correct the issues that precipitated the need for the moratorium.

WHEREAS, upon review of the analysis by the City Administrator, the City Council has made findings contained here as **Attachment A** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council concludes that the City must initiate the process for expanding the water utility's capacity to serve the community in face of recent growth and future needs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health, or safety; and

WHEREAS, the City held the required public hearings needed to adopt this ordinance; and

WHEREAS, the notice of the public hearing on the moratorium before the City's City Council was published in a newspaper of general circulation on January 20th, 2024, said date being the closest date allowed for publication of legal notices by the newspaper of general circulation to the fourth day before the date of the public hearing before the City's City Council on the moratorium which occurred on January 25th, 2024; and

WHEREAS, this ordinance was adopted within 12 days after the date of the first public hearing and said ordinance was given at least two readings by the governing body separated by at least four days with such readings be held on January 25th, 2024, and February 1st, 2024; and

WHEREAS, the City Council strives to be diligent and responsive, and to continue making its best efforts to achieve compliance and efficiency.

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

Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT

The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as it set out fully herein as legislative findings of fact.

Section 2. APPLICABILITY

The City of Bruceville-Eddy hereby enacts this Ordinance in order to implement an immediate temporary moratorium on the issuance of all new water meters on residential and/or commercial properties located: (i) in the portion of Falls County that is east of Interstate Highway 35 and outside the corporate limits of the City, and (ii) outside the corporate limits of the City, and (ii) properties abutting Bruceville Lane in McLennan County ("Moratorium Area"); This temporary moratorium applies to both current and future municipal water utility customers being

served within the Moratorium Area, unless a request for a water meter falls within an Exception (as provided below).

Section 3. PURPOSE

This temporary moratorium is being enacted to maintain the *status quo*, and to update the City's water utility infrastructure and supply.

Section 4. ENACTMENT

The City of Bruceville-Eddy enacts this Ordinance implementing a temporary moratorium on the City's acceptance, review, approval, and issuance of all new water meters on residential and/or commercial properties in the Moratorium Area.

Section 5. DURATION

Pursuant to Texas Local Government Code Section 212.136, the initial duration of this temporary moratorium shall be for a period of one hundred twenty (120) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

Section 6. EXTENSION

If the City determines that the initial period is insufficient for the City to fully complete its needed improvements, this Ordinance may be renewed or extended for an additional period of time necessary to complete the implementation of improvements to repeal the moratorium.

Section 7. EXCEPTIONS

- A. Any property owner who believes that he or she falls within the below exceptions shall provide notice of the exception at the time of application for a water meter. Requests for exceptions are to be forwarded to the City Council who must vote on whether to grant the exception request within 10 days after the date of receiving the written request.
- B. The moratorium adopted by this ordinance does not apply to any water meter requests that are currently, actively in progress for which a valid request has been received.
- C. Any property owner with an approved development agreement whose property is located within the Moratorium Area is excepted from the provisions of this ordinance.
- D. Property owners agreeing to construct certain water infrastructure at property owners' sole expense may apply for an exception to this Ordinance.

Section 8. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

Section 9. SEVERABILITY

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity

of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

Section 10. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to a suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City’s right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

Section 11. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

Section 12. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

READ & ACKNOWLEDGED on First Reading on the __ day of January 2024.

READ, PASSED, AND APPROVED ON SECOND READING BY THE CITY COUNCIL OF BRUCEVILLE-EDDY, TEXAS, THIS __ DAY OF _____ 2024.

Linda Owens, Mayor

ATTEST:

Pam Combs, City Secretary

ATTACHMENT A

JUSTIFICATION FOR MORATORIUM

SHORTAGE OF ESSENTIAL PUBLIC FACILITIES; WRITTEN FINDINGS OF FACT AND EVIDENCE RELATING THERETO

As determined by two separate and independent hydraulic analyses, commissioned and completed by two separate and independent registered engineering firms with the State of Texas, portions of the Bruceville-Eddy Water System have been found to be deficient to provide proper pressure and distribution capacity and that certain essential public water infrastructure, supply, and improvements are inadequate and insufficient to adequately serve new development.

The findings from the aforementioned analyses were presented by both oral report and supporting documentation to the public and City Council at meetings held on November 16th, 2022 and October 12th, 2023 by Tabor and Associates and MRB Group, respectfully.

It has been determined that the Ford pressure plane and the water distribution lines east of I-35, with few exceptions, have facilities operating near, at, or beyond capacity. This has resulted in all property located within the aforementioned area being insufficient of existing essential public facilities, and thus has been denied for further development.

The City of Bruceville-Eddy does not currently have revenue from established impact fees. Information and additional support has been requested to begin the process for the creation of this essential funding mechanism.

Lastly, the City of Bruceville-Eddy has been making significant strides towards improving the distribution of water in the affected service area. It has been engaging with engineering firms on the issue and currently has improvement plans under design and easement acquisition.

Agenda Item #6



JURGENSEN PUMP, LLC
 PO Box 256
 McGregor, TX 76657

Phone # 254-932-6251 Fax # 254-932-6770

Estimate

Date	Estimate #
1/10/2024	6854

REGULATED BY THE TEXAS
 DEPARTMENT OF LICENSING &
 REGULATIONS PO BOX 12157
 AUSTIN, TX 78711
 LICENSE #54576

Name / Address
City of Bruceville-Eddy 143 Wilcox Dr. Eddy, Texas 76524

WARRANTY: New well equipment is covered by
 Manufacturer's Warranties and these warranties are
 the responsibility of the Manufacturers.
 LABOR WARRANTY: Is 30-days from
 installation of new well equipment

Project
Westridge Well Bo...

Description	Qty	Cost	Total
Westridge Well Booster Goulds 14BF13135A S/N 1871343 Date Code 02-91 Baldor JMM2535T S/N 10890 286 JM Frame 30 HP / 3 PH / 1760 RPM			
Field Service to Install New Seal Kit When the pump was unwired the wires were hard and brittle. The customer was informed and the decision was made to pull the pump for tear down and inspection. Note: Price Includes Labor and Mileage	1	428.00	428.00
Tear Down and Inspection Pump was brought in by field technician for inspection due to brittle wires and leaking seal. The customer informed us that the motor was making a noise that they suspected was coming from a bearing. The pump was torn down. The impeller skirt is thin and pitted and will need to be replaced. The motor was inspected and will need to be repaired. Note: No charge for tear down if repair work is done by Jurgensen Pump	1	0.00	0.00
Thank you for your business! Make checks payable to Jurgensen Pump.		Subtotal	
		Sales Tax (0.00)	
		Total	



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 PO Box 256
 McGregor, TX 76657

Phone # 254-932-6251 Fax # 254-932-6770

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WARRANTY: New well equipment is covered by
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 the responsibility of the Manufacturers.
 LABOR WARRANTY: Is 30-days from
 installation of new well equipment

Project
Westridge Well Bo...

Description	Qty	Cost	Total
Pump Repair to Include New Shaft Sleeve, New Seal Kit, New Liquid End Including Impeller and Wear Rings Motor Repair to Include Disassembly, New Bearings, Meg & Surge Test Windings, Clean All Parts, Assembly, and Test Run Note: Price Includes Parts and Labor	1	5,381.00	5,381.00
Field Service to Install Repaired Pump Note: Price Includes Labor and Mileage Lead Time ----- 60 Business Days	1	578.00	578.00

Thank you for your business! Make checks payable to Jurgensen Pump.	Subtotal	\$6,387.00
	Sales Tax (0.00)	\$0.00
	Total	\$6,387.00