

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, JANUARY 17, 2023 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER

MAYOR

AMANDA CUMMINGS

CITY SECRETARY

ASHLEY CARR

ADMINISTRATIVE ASSISTANT

WILL GRIFFIS (VIA CONFERENCE CALL)

CITY ATTORNEY

RUSSEL MOSES

CITY ADMINISTRATOR

ALDERMAN:

CHRIS CODY

LOGAN SCARLETT

JASON WHITE

Others Present: JD Young, Scott and Tressa Adams, Gaylon Youngquist, Chris Starcher, Charles Hohertz, Danielle Frank, David Copeland, Leonard Nail, Judy Corbin, Cory Buck, Jeremy Stewart, Paul Farris, Kathy Williams, Brian Williams, Shawn Claunch, Chris Nathman, James Andrews, TJ McAuley, and Thomas Parker

Pledge Of Allegiance: The meeting was opened at 7:03 p.m. by Mayor Potter.

Invocation: Invocation was offered by Mayor Pro Tem Chris Cody.

Public Hearing for Variance for a Guest Room Addition and Patio at 1315 9th

Street for Mr. Boatright: Mayor Potter opened the public hearing at 7:24 p.m. There was no one in attendance to speak on this matter.

Open Forum: Paul Farris thanked the council for his time with the city. He stated that he had thoroughly enjoyed working for the City of Shallowater. He personally thanked Russel Moses and Amanda Cummings for everything they have done for him during his time with the city. Mayor Potter thanked Paul for his service. Tressa Adams introduced herself along with her husband Scott and Judy Corbin, their realtor. She stated that seven years ago they purchased and remodeled an assisted living facility that is just south of Wolfforth off of CR 1585 and FM 179. The facility started out with six residents and with the hard work they put in and adding on, they are currently at capacity. They are licensed with the state of Texas for sixteen residents and have been at capacity for the past six years with a lengthy waiting list. Tressa stated that they do very little advertising as word of mouth within the community keeps them full. Tressa and Scott both want to help and serve as many families as they can but due to only being licensed for sixteen at their current facility, they decided to look into expanding into other

communities. After lots of research, they are ready to expand. They asked their realtor, Judy Corban to look for residential homes that could be turned into assisted livings. Tressa stated that they had looked at several in North Lubbock and then Judy found a house in Shallowater that very much meets their needs. The property address is 1307 8th street. She stated that they have looked at the house and the property and they feel that it would really meet the needs of being converted into a small assisted living for Shallowater senior residents. The capacity of this assisted living would be six to eight residents. Tressa stated that there would be an extensive remodel in order to meet state guidelines. She said that with the property being right at 3300 square feet, they felt very comfortable, with the remodel, of placing six to eight residents in that home. One thing that was very pleasing to them with this property is the parking situation. Tressa stated that sometimes when you do residential assisted livings, parking can be an issue with neighbors, but with this property, it is laid out beautifully with all concrete to allow parking in the front, side, and back to not impede the neighborhood. She stated to the council that she was bringing this to them as the neighborhood is zoned R1 for a single-family resident and this property, if purchased for the assisted living, it would not be a single-family resident. Tressa stated that she had talked with Amanda and that she had been very helpful in providing her with a lot of information and invited them to this meeting so that she could explain to the council what they are wanting to provide for our community. She stated that Shallowater has a great base for our community and the elderly who live here that might be placed in this assisted living would still be able to be involved with the many churches our community has along with the schools. Tressa said that she was aware that with the neighborhood being zoned R1 that they would need to file a variance for that property if purchased for the assisted living. She stated that their biggest stumbling block that they see is that Amanda advised them that they would have to be the owner of the property to be able to file the variance. They obviously do not want to purchase a property valued at \$380,000 and file the variance with the city and it be denied. At that point they would be sitting with a house in Shallowater and although they think it would be a great place to live, they have a primary residence already for their family. Tressa stated to the council that they would prefer not to go through that expense if it is not something the council would be willing to entertain for our community. She stated that herself and Scott fully understand that they are not on the agenda and that the council cannot discuss this fully with them but she is looking for some feedback from the council if this is something they would like to see for our community. She asked if they have any questions or reservations about this business that she could answer or clear up for them at this time. Alderman Cody stated that Tressa had mentioned that there were assisted living facilities in neighborhoods in Lubbock, and asked if that was pretty common. Tressa stated that yes, it is very common. Mayor Potter stated that he does the group home inspections for these facilities through the

Lubbock Fire Marshal's office and they are everywhere throughout the city. Alderman Cody stated that he doesn't have a problem with it and he would presume that the renovations done to the house would all be up to city code. Tressa stated that absolutely they would be and the only thing that would be different from a normal home remodel would be that a sprinkler system would be installed on the interior of the home, everything would be handicap accessible and everything would be to ADA standards. Alderman Scarlett and Alderman J. White both stated that they feel the renovations would better the property. Tressa thanked the council for their time and stated they would keep them up to date. The council in return thanked Tressa and Scott for being there. Chris Starcher introduced himself and stated that he lives at 501 Ave U. He said he was there to speak on the USPS issue on Ave U and Ave V. Mr. Starcher said that he realized in hindsight that there was nothing the city could do, but that he does appreciate what they are doing with the ordinance for the future. He stated that he has thought about this issue for a while now and of course all of his neighbors are in the same situation. He said that the post office has been nice in the time they have lived there (just over two years) in allowing them to pick up their mail at the post office. He also said that he understands that the post office has a limited amount of space that they can hold all of Ave U and Ave V residents mail, but that he was pleased that they were willing to accommodate that for them. Mr. Starcher stated to the council that he didn't know if it was possible but that he did know that there is a half lot on Ave T that the city owns. He asked the city if they would look into discussing at some point, using that lot or part of that lot to put the cluster boxes on for Ave U and Ave V. Mayor Potter said that it would definitely be something the city could look at. Russel Moses said that he would do some measuring to see if it would be a possibility. Alderman Cody stated that he would like to look at the property as well. Mr. Starcher stated that he thinks it would be appropriate to have a meeting with the Ave U and Ave V residents just to discuss the options before any decisions are made. Charles Hohertz stated his opinion on the mail issue. Mayor Potter stated that he will facilitate a meeting and be there personally to allow everyone to speak.

Department Reports:

Fire Department: Chief Cory Buck asked if there were any questions on the report and there were none. He stated that Lubbock County approved the request to purchase new extrication equipment at a cost of \$45,454.00 and that he has ordered the equipment. He stated that this is the first time in his 23 years on the department that they have ever run over 300 calls in a year. Chief Buck said that he wanted to thank all of the members of the Shallowater Volunteer Fire Department who are leaving their families to take care of our community.

Emergency Management: Chief Cory Buck stated that he is updating several of our emergency operations plan annexes. He said that they do this each year to keep annexes current. Chief Buck stated that so far, this winter, everything has been going well. He wanted to thank the water department crew for taking care of our infrastructure during this time.

Municipal Court: Judge McAuley stated that we currently have seven current cases, one truancy case, one pre-trial case, one awaiting trial, four on payment plans, two on community service, two deferred, and 90 warrants. He asked if there were any questions. There were no questions.

Police Department: Chief Williams stated that he had made some changes on how the reports look monthly and that they will keep a yearly running tab. He asked the council if there was anything they would like to see on the reports that is not currently on them. Mayor Potter stated that he feels we have great department heads and he is happy with the way the reports are being presented. Council concurred. Chief Williams said that the department is currently working on hiring a sixth officer again as Officer Cabello resigned. His resignation came as him and his wife are expecting a baby and wanted to be back home in Lovington, NM with family. Chief Williams stated that he applied for the ballistic shields grant and they have received the grant so the department will receive the shields soon. He also stated that he is working on other grants to benefit the department as well. Mayor Potter stated that he wanted to commend Chief Williams as he has applied for and received six grants for the department since his hire.

Code Enforcement: Officer Claunch stated that he is getting a lot of complaints on developers and builders due to the trash and materials that are left behind after the home is built. Bricks, concrete and trash are being left behind on empty lots. He stated that it is a mess on Ave U and Ave V area. He also stated that he will be reaching out to the builders to try and get that area cleaned up.

Public Works: Paul Farris stated that he got the parts ordered and the estimated time of arrival is March which puts them here about the same time as the others that were previously ordered. He stated that once they all come in, we will have eight electrodes in stock that will give them the ability to repair eight stacks when needed. Paul asked if there were any questions. There were none.

Consider And Discuss Fiscal Year End Audit Report for 2021-2022 Completed by

BSGM-Presented by David Copeland: David Copeland with BSGM stated that the city had a good year and the financials are in good shape as always. He commended Bryce for his hard work with Amanda on preparing the audit. He mentioned that there were a few audit entries which is always expected. Mr. Copeland stated that BSGM issued a clean opinion with no deficiencies. He explained the audit report in further detail to the council and concluded by stating that the city is doing well and the records are in good shape. Alderman Cody made the motion to accept the audit report as presented by BSGM. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Ordinance Regarding the Need for Developers to Follow

the US Postal Service National Delivery Planning Standards: Alderman J. White made the motion to approve the ordinance regarding the need for developers to follow the US Postal Service National Delivery Planning Standards. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Annual Racial Profiling Report: Chief Williams presented the report to the council. Alderman J. White made the motion to accept the annual racial profiling report. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Water and Sewer Updates and Engineering Report-

Leonard Nail, Parkhill: Mr. Nail stated that he wanted to say hats off to Amanda, he spoke with Mr. Milonovich with the Texas Water Development Board for an extended period of time and he said that Change Order 4 from CID-05, which is one of the things they were waiting on, got approved. Mr. Milonovich did say that his plan is to get that closed out by the middle of February. Mr. Nail stated that the plans for the acid project at the EDR plant are about 90% complete. He mentioned that if we are going to go for a PIF next time, we needed to discuss which route to take. With Swift, the principal and interest can be deferred for eight years or until the project is completed and there is savings on environmental due to it being state and not federal. D Fund would do both water and sewer and it, but does not offer loan forgiveness and will have interest rates under prime. Clean Water, which is only for the waste water, and Drinking Water would allow loan forgiveness. Mr. Nail stated that they have started the process of filling out the paper work, but it just takes some time to get done. He stated that the deadlines for this are March 1st so a decision would need to be made.

Consider And Discuss a Resolution for Land Conveyance of Twelve Feet into the City of Shallowater Easement to Property Owner at 403 Avenue E:

Amanda stated that Mr. Youngquist had reached out to City Hall as he is wanting to purchase the property at 403 Ave E to put in a heating and air conditioning business. Mr. Youngquist stated that he is the owner and operator of Top Gun Heating and Air and the building at 403 Ave E came up for sale in October and he put a contract on it. Upon having a survey done on the property, he was notified that the building was built two feet over the property line. Mr. Youngquist stated that all he needed was approval from the city council in order for him to close on the property and provide Shallowater with its very own local heating and air business. Amanda Cummings explained that in order to keep the property lines comparable to what we did for South Plains Waste, the land conveyance is for twelve feet. This should square up the properties and make it easier for future transactions. Amanda and Russel Moses also noted that the city would not use the area to be conveyed. Alderman Cody made the motion to approve. Alderman J. White made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Variance for a Guest Room Addition and Patio at 1315 9th Street for Mr. Boatright:

Alderman J. White made the motion to approve a guest room addition and patio at 1315 9th street for Mr. Boatright. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Lubbock County Elections Contract: Alderman Cody made the motion to approve the elections contract. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Joint Elections Resolution: Alderman Cody made the motion to approve the joint election resolution. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Order of General Election: Alderman Cody made the motion to approve the order of general election. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Notice of General Election: Alderman Cody made the motion to approve the notice of general election. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Ordinance Ordering 2023 City Officers Election: Alderman Cody made the motion to approve the ordinance ordering 2023 city officers' election. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing Roxzine Stinson, in Her Capacity as Elections

Administrator as the Joint Elections Officer: Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing Roxzine Stinson, in Her Capacity as Elections

Administrator as the Joint Early Voting Clerk: Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing the Elections Office at 1308 Crickets Avenue as the Main Early Voting Polling Place:

Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Approving Exhibit A of the Joint Early Voting Schedule (Locations and hours may change depending on if any entity or entities cancel their elections):

Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Approving Exhibit B of the Election Day Vote Centers (This may change depending on if any entities cancel their elections):

Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing the Supervisor and Rover the Elections Office Determines for Each Vote Center for Election Day:

Alderman Cody made the motion to approve the supervisors and rovers the Elections Office names. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing the Early Voting Ballot Board Judge and the Alternate Judge the Elections Office Determines: Alderman Cody made the motion to approve the judges the Elections Office names. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Calling for a Signature Verification Committee: Alderman Cody made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing the Signature Verification Committee Judge and Alternate Judge the Elections Office Determines: Alderman Cody made the motion to approve the judges the Elections Office names. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing Central Count Station Personnel: Roxzine Stinson, Elections Administrator as Central Count Manager, Kristen Phelps as Tabulation Supervisor, Charla Carpenter as the Assistant Tabulation Supervisor and the Central Count Presiding Judge the Elections Office Determines: Alderman Cody made the motion to approve the listed personnel and the judge the Elections Office names. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Appointing the Bilingual Election Clerks the Elections Office Determines: Alderman Cody made the motion to approve the bilingual clerks the Elections Office names. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider Minutes of Previous Meeting: Alderman J. White made the motion to approve the minutes from previous meeting. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider Financial Report: Alderman Cody made the motion to approve the financial report. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider Bills Payable: Alderman J. White made the motion to approve the bills payable. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss the Professional Service Agreement Between the City of Shallowater and Raftelis Financial Consultants, Inc.: Alderman J. White made the motion to approve the agreement between the City of Shallowater and Raftelis Financial Consultants, Inc. Alderman Cody made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

The council went into executive session to discuss the following items under section 551.071 of the government code regarding consultation with city attorney and section 551.072 of the government code regarding deliberations about real property, and section 551.074 of the government code regarding personnel matters at 8:19 p.m.

The Council reconvened in regular session at 8:37 p.m.

Consider And Discuss Platting of City Owned Land West of Avenue Q for Future Development: Mayor Potter made the recommendation to plat the city owned land west of Ave Q for future development. Alderman J. White made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

Consider And Discuss Public Works Director Position: Mayor Potter made the recommendation to place Ruben Ponce as Interim Public Works Director at the salary of \$57,000 annually and post the position for applicants. Alderman J. White made the motion to approve. Alderman Scarlett made the second. Motion carried with three in favor and Alderman Yeager and Alderman T. White absent.

There being no further business, meeting was adjourned at 8:46 p.m.

Amanda Cummings, City Secretary

Royking Potter, Mayor