

REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, NOVEMBER 21, 2023 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER

MAYOR

ASHLEY CARR

ADMINISTRATIVE ASSISTANT

AMANDA CUMMINGS

CITY SECRETARY

WILL GRIFFIS (VIA CONFERENCE CALL)

CITY ATTORNEY

RUSSEL MOSES

CITY ADMINISTRATOR

ALDERMAN:

CHRIS CODY

JASON WHITE

TROY WHITE

KYLE YEAGER

LOGAN SCARLETT

**Others Present:** Ruben Ponce, TJ McAuley, Shaun Claunch, Marla Henson, Nolan Henson, James Andrews, Leonard Nail, Brian Williams, Cory Buck, H David Jones, Danielle Frank, Richard Schanzenbach, and Mr. and Mrs. Gaylon Youngquist

**Pledge Of Allegiance:** The meeting was opened at 7:02 p.m. by Mayor Potter.

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

**Public Hearing as a Continuation from the October 17<sup>th</sup> Meeting on Variance**

**Request for a Carport at 1207 5<sup>th</sup> Street for Mr. Ware:** Public hearing was opened at 7:03 p.m.

**Open Forum:** Open forum was opened at 7:03 p.m. Danielle Frank addressed the council about a water issue at Top Gun Heating and Air. She stated that when they closed on the buildings at 403 Ave E on March 8, 2023, the water line going into the building was above ground. They decided to core through the floor and replace the water line underground. Mrs. Frank stated that when they did that, they found that the city water valve was leaking. She stated that they called the city to notify them of the issue and the city stated they would come fix it and most likely replace the meter and the riser at that point. Mrs. Frank stated that she wanted it noted that they never had a dead meter like was stated by the city multiple times. She stated that they finally finished replacing their full water line that connected to the city riser on June 8, 2023. Mrs. Frank stated that their water bill had been the exact same since they moved their business into the buildings. She also stated that they only have one working toilet and one working sink as they have not plumbed the small shop yet. Mrs. Frank stated that on

October 4, 2023 her mom checked the mail and called her saying they had a high water bill. Mrs. Frank stated that she went to check it out and saw that the water can was full of water and running out onto the property. She stated that she turned off the water to allow it to drain. Mrs. Frank said that they went back to the property, turned on the water and found the leak at the city riser. She stated that she called to tell Marla what was going on to see about getting someone out to fix it and was told that since the leak was on her side, she needed to call a plumber. Mrs. Frank said that she argued that it was the city's responsibility and even though Marla did not agree, she did send Ruben out to look at it. Ruben went and looked at it and called Mrs. Frank and told her that he found the problem and was able to tighten the gasket and stop the leak. Mrs. Frank stated that while she was on the phone with Ruben she specifically asked if the riser was the city's responsibility or theirs and Ruben stated that it is the city's. She stated that Ruben told her at that point that he was going to order another riser and he would put it in when it arrived. She stated that she called City Hall to get the water bill adjusted seeing as she did not feel it was her responsibility to pay it when the leak was found at the city riser. She stated that Marla told her that she could not adjust the bill seeing as the water went through her meter and that the leak that was at the riser was on the city side and did not go through her meter. Mrs. Frank stated that she once again argued the fact that it was not her responsibility and that Ruben even stated that. She said that Marla told her she would need to confirm with Ruben and she would get back with her. She stated that a few days went by and Ruben called her and stated that they must have had a toilet stick because the water from the riser would not have gone through their meter. Mrs. Frank stated that she told Ruben that she should not be responsible for that amount of water and Ruben told her he would talk to the City Administrator and get back to her. Mrs. Frank stated that she did not hear anything for a while from anyone. She then stated that she called Marla at City Hall to get the bill adjusted and that Marla stated that she could adjust one but not both bills. Mrs. Frank stated that she argues again that she is not responsible for the water as it was not her leak. She stated at this point they were both getting frustrated with each other and she asked if she could just talk to Amanda. Marla told her she would need to talk to Russel and that she would have him call her. Mrs. Frank stated that Russel called her at 8:27 AM on October 31<sup>st</sup> and she felt he had an attitude with the intent of shutting her down. She stated that she started telling him the story of everything that happened and that he cut her off and said that he already knows everything and that the city will right off one bill. She stated that she argued with him that it is not her leak and she continued to tell him her story. She said that Russel asked her not to talk over him and that it did not matter what she said, the outcome wasn't going to change. Mrs. Frank stated that she asked him at that point to meet her in person because they clearly were not getting anywhere on the phone. She stated that he agreed to meet her. She stated that she

had her husband meet with Russel to see if maybe he could get a different outcome. She said that she arrived a bit later and that Russel proceeded to tell them that he was not changing his mind and that was that. She stated that she told Russel she was not going to pay for something that was not her responsibility without going to City Council. Mrs. Frank stated that she came to the meeting to get her story told and hopefully get something taken care of. She added that she would like it to be known that every other situation she has had with the city has been handled with such kindness and grace and she is thankful for that. She stated that up until this point, she had never had an issue with the city and has always spoken very highly of the City of Shallowater. Open Forum was closed at 7:41 p.m.

### **Department Reports:**

**Fire Department:** Chief Buck stated that their first responder license has been renewed until November 2025. He also stated that the fire department would be doing their Toys for Tykes drive on November 24<sup>th</sup> and December 9<sup>th</sup>. Shopping for Toys for Tykes will be on December 10<sup>th</sup>.

**Emergency Management:** No new business.

**Municipal Court:** Judge McAuley stated that we have twenty-six current cases, six truancy cases, one pre-trial, ten payment plans, three drivers' safety, six deferred and seventy-three warrants.

**Police Department:** Chief Williams stated that things were running smoothly in his department. He stated that the second week in December they would be doing a TXDOT STEP program which will include them enforcing laws in school zones.

**Code Enforcement:** Officer Claunch stated that the old acid delinting plant sold and someone has been cleaning it up. He stated that there is an issue with an ordinance on dumping dog poop in the dumpsters. Our ordinance states that dog poop isn't allowed to be thrown in the dumpsters along with grass trimmings. He stated that we have been letting it go for a while but with the recent issues we have had on dog poop, we need to re write the ordinance so everyone is in compliance.

**Public Works: October report:** Water drawn from our well field totaled 11,412,000 gallons; 90% of which was treated and distributed, totaling 10,359,000 gallons. Rejected wastewater

from the Water Treatment Plant was 1,053,000 gallons -about 10%. Water demand from the City of Lubbock came to 4,684,000 gallons, constituting 31 % of our total water usage for the month. Wastewater flow for the month was 7,226,000 gallons, with an average flow of 240,867 gallons per day, putting us at 83% of system capacity for the month. The Public Works swapped out a total of 18 meters, most of which were on the High Usage List. Those locations are; 701 Clovis, 1415 9th, 1402 7th, 1014 14th, 1004 14th, 907 12th, 4907 CR 5850 Unit B, 1207 6th, 1128 17th, 502 Ave R, 504 Ave R, 506 Ave R, 508 Ave R, 510 Ave R, 512 Ave R, 804 Ave R, 503 8th, including the 2" meter at Shallowater Mobile Home and RV Park. New water taps were installed at 1430,1432, & 1434 15th St, and repaired at 822 Ave T. Overgrown weeds at the mailboxes on 5th and Avenues S & T were addressed, as well as clearing of debris from the drainage ditch on Ave L by the railroad tracks, improving storm water drainage just in time for the recent storms. Some damage from the aforementioned storms was also cleared including a large tree that fell in the alley between 5th and 6th Streets and an entire tree that was uprooted at City Hall. There was a leak at Well #5 that was addressed and rectified with little interruption in that well's service. Lastly Public Works received a new work truck for the fleet.

**November report:** Water drawn from our well field totaled 510,400 gallons; 88% of which was treated and distributed, totaling 409,600 gallons. Rejected wastewater from the Water Treatment Plant was 48,600 gallons -about 12%. Water demand from the City of Lubbock came to 6,116,000 gallons, constituting 93% of our total water usage for the month, due to extensive and ongoing issues with the EDR system at our plant. Wastewater flow for the month was 6,287,500 gallons, with an average flow of 202,823 gallons per day, putting us at roughly 70% of system capacity for the month. The focus for the Public Works crew for October was addressing some issues at the Water Treatment Plant stemming from one stack having an issue with over scaling, and our Clean in Place pump being out of service, causing the ED Rs to not produce adequate amounts of usable water. In addition to this focus, which included plumbing in a new CIP pump, rebuilding one whole stack, repairing leaks, and replacing gauges, the team swapped out meters and curb stops at 501 12th St, 503 8th St, 1301 9th St, repaired a damaged sewer service line at 502 Ave V, performed winterizing procedures citywide, and repaired the alley behind 17th St, and installed a new electric line for the city shops. The crew also performed traffic control for the Harvest Festival. Several street signs were also replaced, at 8th, 10th, and 11th & Texas; 11th & Avenues P and Q; 11th Place & Ave O; 5th & Avenues R, S, T, U, and V; 8th & Ave N; FM 1294 & Ave T, 8th & Avenues E, F, and G, with a stop sign replacement at 8th and Ave E; 7th & Avenues E and F, with a yield sign replacement at 7th and Ave F, and 6th & Avenues E and F. Public Works employees continue to work on grounds upkeep Citywide, pothole repairs, and mowing/ shredding along with continuing their education, obtaining licensing, and intensive record keeping overhaul.

**Discuss Traffic Control Ordinance Operating Motor Vehicles and Racing:** Judge McAuley stated that we currently do not have an ordinance for operating motor vehicles and racing. He stated that he has been in contact with Will Griffis (City Attorney) regarding this matter and that they will work together to write an ordinance to present it to the council to be adopted. This item was tabled until the ordinance has been written.

**Consider And Discuss Police Vehicle Bids:** Chief Williams stated that he received three bids on vehicles. Two of the bids were for Dodge trucks and one was for a Durango. He stated that the Durango was cheaper than the trucks. Chief Williams also stated that he spoke with mechanics on the Durango and they seem to hold up very well. He stated that he would like to try one out. Alderman J. White made the motion to pursue the bid on the Durango. Alderman Yeager made the second. Motion carried with all in favor.

**Consider and Discuss Placing 2010 Ford F150 up for Sealed Bid:** Alderman J. White made the motion to place the 2010 Ford F150 up for sealed bid. Alderman Yeager made the second. Motion carried with all in favor.

**Consider and Discuss Assistant Public Works Director Position:** Alderman Scarlett made the motion to allow Ruben Ponce to open applications for the Assistant Public Works Director position and allowing him to hire an individual for that position. Alderman T. White made the second. Motion carried with all in favor.

**Consider and Discuss Options for Backhoe Lease:** This item was tabled until the next meeting.

**Consider and Discuss Water and Sewer Updates and Engineering Report- Leonard Nail, Parkhill:** Leonard stated that we have the plans for the lift station. He stated that we will be able to use the existing station which will save quite a bit of money.

**Consider and Discuss Updated Cost for the Emergency Wastewater Treatment Transmission Line Project:** Leonard stated that he was hoping to have numbers back from L. Howard at the next meeting.

**Consider and Discuss City of Lubbock Resolution to add the City of Shallowater into the Lubbock Metropolitan Planning Organizations Lubbock Metropolitan Planning Area- David Jones, Executive Director LMPO:** H. David Jones stated that as

part of the law, MPO's and TMAs are required to review their urbanized boundary and planning area with each decennial census. Mr. Jones presented a slide show to the council showing the urbanized areas reported by the office of management and budget confirmed and published in federal registry by the bureau of the census as a result of the 2020 census. This slide show also showed the areas anticipated to develop in the next twenty years. He stated that the three counties included in the metropolitan statistical are Lynn County, Crosby County, and Lubbock County. There are also two counties included in the micro statistical which include Hail County and Hockley County. These five counties together are called the combined statistical area according to the law. Mr. Jones stated that LMPO is seeking the combined statistical area as their planning area boundary to protect the area of influence with the Texas Transportation Commission and TXDOT. He asked the City of Shallowater to join the MPO and confirm their request to expand their planning area and boundary. Alderman J. White made the motion to accept and the resolution 11212023A to add the City of Shallowater into the Lubbock Metropolitan Planning Organizations Lubbock Metropolitan Planning Area. Alderman Scarlett made the second. Motion carried with all in favor.

**Consider and Discuss Resolution Declaring the Idalou Beacon as the Official City**

**Newspaper:** Alderman Cody made the motion to approve the resolution declaring the Idalou Beacon as the official city newspaper. Alderman Yeager made the second. Motion carried with all in favor.

**Consider and Discuss the 2023-2024 Investment Policy Ordinance:** Amanda

Cummings explained that this is a requirement each year. Alderman Cody made the motion to approve the 2023-2024 investment policy ordinance. Alderman Scarlett made the second. Motion carried with all in favor.

**Consider and Discuss Continuation from October 17<sup>th</sup> Meeting on Variance**

**Request for a Carport to be Placed at 1207 5<sup>th</sup> for Mr. Ware:** Alderman J. White made the motion that approve the variance request to place a carport at 1207 5<sup>th</sup> for Mr. Ware. Alderman Cody made the second. Motion carried with all in favor.

**Consider Minutes of Previous Meeting:** Alderman Yeager made the motion to approve minutes from previous meeting. Alderman Scarlett made the second. Motion carried with all in favor.

**Consider Financial Report:** Alderman Cody made the motion to approve the financial report. Alderman J. White made the second. Motion carried with all in favor.

**Consider Bills Payable:** Alderman J. White made the motion to approve the bills payable. Alderman Yeager made the second. Motion carried with all in favor.

There being no further business, meeting was adjourned at 8:08 p.m.

---

Amanda Cummings, City Secretary

---

Royking Potter, Mayor