REGULAR MEETING OF THE CITY COUNCIL, CITY OF SHALLOWATER, SEPTEMBER 17, 2024 AT 7:00 P.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROYKING POTTER	ALDERMAN:
MAYOR	CHRIS CODY
AMANDA CUMMINGS	LOGAN SCARLETT
CITY SECRETARY	JASON WHITE
NIKKI CORONADO	KYLE YEAGER
DEPUTY CITY SECRETARY	
RUSSEL MOSES	
CITY ADMINISTRATOR	
WILL GRIFFIS	
CITY ATTORNEY (VIA CONFERENCE CALL)	

Others Present: Kathy Williams, Brian Williams, Leonard Nail, James Andrews, Jeremy Stewart, Marla and Nolan Henson, Ian Phillips, Shawn Claunch, TJ McAuley, Amy Hulse, Jamie Skidmore, Adam Currey, and Representative Carl Tepper

Pledge Of Allegiance: The meeting was opened at 7:08 p.m. by Mayor Potter.

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

Open Forum: Open forum was opened at 7:09 p.m. Mayor Potter mentioned that there is a petition to name the new school cafeteria at the elementary after Dorthea Williams. He added that she worked in the cafeteria for several decades. There was also a thank you on behalf of the council to Dr. Hebert and SISD for allowing the use of the SISD Board Room while the Police Department is being repaired. Mayor Potter closed open forum at 8:19 p.m.

Public Hearing on the Proposed 2024-2025 Fiscal Year Budget: Mayor Potter opened the hearing at 7:09 p.m. Mayor Potter explained the hearing would remain open for at least thirty minutes and asked if there was anyone present to speak. The hearing was closed at 8:13 pm.

Public Hearing on the Proposed 2024 Property Tax Rate of $0.562772 per $100 Valuation: Mayor Potter explained the hearing would remain open for at least thirty minutes and asked if there was anyone present to speak. The hearing was closed at 8:13 pm.

Discuss BBQ Cookoff Impacts to Downtown Businesses- Jamie Skidmore: Jamie Skidmore, the owner of Sweet Curry, asked that the BBQ Cookoff be moved to another location because it negatively impacts her business because she loses revenue that is not easily recovered, she needs all of her parking spaces and there is no consideration for the elderly or disabled. She stated that she was not notified before the event for the last two years and even when she is told there will be access to her business, it continues to get blocked. She said her clients had to park a block away and she thinks it is unacceptable. She asked the council to create an ordinance for special events. Amy Hulse, the owner of The Gym, said that there are issues. She provided pictures to the council and stated that she does not have Saturday classes currently, but she has concerns about the set up and clean up afterwards. She stated that she supports the fundraiser and is not asking that the event be canceled, she is only asking for consideration of the businesses downtown and for there to be improved communication on clean up procedures for the participants. She stated that there are no permits for this event and she would like the council to address it. She thinks if there are guidelines and regulations in an ordinance it will help to regulate the event. She asked about liability and if an incident occurs on their property how would it be handled. She asked that the council consider these items and restated that she does not oppose the fundraiser, but hopes that there can be items set in place to ensure that businesses are not disrupted by people coming to set up during their hours of operation and that there is oversight on the cleanup. Alderman Yeager stated that there was notification 20 days in advance and it was on social media for two months. Amy said that the businesses are most affected did not receive the notices. Alderman Cody asked if in the first few years if there was someone responsible for cleaning up. Mayor Potter said he has organized that in the past, but did not do it this year, he stated that he accepts the blame, and he accepted the responsibility and now that it is on the agenda a decision will need to be made. Mayor Potter stated that he talked to other business owners in the area and they had positive experiences from getting exposure of their businesses and benefit by gaining new customers. There was further discussion on liability. Mayor Potter stated that the sidewalk is a public right of way and if someone is hurt it is not the owner's responsibility. Amy Hulse stated that she is not disregarding the benefits to the other businesses; all that she is asking for is, that everyone get on the same page and there be some guidelines set in place so that it does not negatively impact businesses. Mayor Potter stated that the whole purpose was to expose downtown and let people know that we do have businesses in Shallowater and encourage people to support them. Mayor Potter also said he will accept full responsibility and his intentions have always been for this to be a positive event for the downtown area. Mayor Potter stated he wanted to look into a few other city's ordinances and review them and see if we can come up with a plan moving forward. He stated he would contact them personally after doing so. Both business owners thanked the council for the opportunity to speak.

Department Reports:

Fire Department: Assistant Chief, Jeremy Stewart was present and a written report was presented. There were no questions. He stated that the new truck, to replace the one that was totaled should be in Friday.

Emergency Management: Assistant Chief Stewart was present and a written report was presented. There were no questions.

Municipal Court: Marla Henson provided the report. She stated that there were six new cases, two truancies, fourteen on payment plans, nine show cause, six deferred, four driver safety courses, five awaiting trial, and 119 warrants. Judge TJ McAuley stated he has visited with Will, the City Attorney, about an ordinance the council passed months ago regarding unsafe speeding and he thought he did not like the wording on it so it will come back before the council after changes have been made. There was clarification of the ordinance and it was explained that it refers to unnecessary acceleration and racing.

Police Department: Chief Williams stated that the asbestos abatement was completed last week, but there were several repairs to the walls that were needed. It is currently being painted and he has pushed the carpet back to next week, but it should be fixed before the next council meeting.

Consider and Discuss MOU Between the Shallowater Independent School District Police Department and the Shallowater Police Department: Chief Willimas stated that he attended the school board meeting last night, and they passed the MOU between the Shallowater Police Department and the SISD Police Department. He stated that they kept most of what we drafted, but added a few things. He said that the school will handle everything on school grounds between 7:30am and 4:00ish Monday through Friday and the Shallowater Police Department will continue to handle a lot of it. He said they will work most of the wrecks, especially the ones that involve a school vehicle. He said he told them we will work a wreck if we are called to it. He said the school was very receptive to the MOU and were appreciative to be working together on it. Alderman J. White made the motion to approve the MOU as written. Alderman Cody made the second. The motion carried with 4 in favor and Alderman T. White absent.

Code Enforcement: Officer Claunch provided a written report. There were no questions. He said the numbers are low because so much of his stuff is packed up. He said he has been trying to contact the railroad regarding the weeds along the tracks in their right of way.

Alderman Yeager stated he would try to contact the Road Foreman to see if they can get out here. The council discussed this has been an ongoing issue.

Public Works: Nolan Henson presented a written report. There were no questions.

Consider and Discuss the Purchase Lease Agreement for a Skid Steer to Maintain Alleys: Russel Moses said in an effort to better maintain the alleys we began looking for a maintainer and they were too big for our alleys and much more expensive. He mentioned that skid steers can come with a dozer blade. Russel mentioned that each bid includes a front bucket and a dozer blade. The bids are from John Deere, Case, and Caterpillar. The bids are as follows:

	Total Price	Yearly Payment	Monthly Payment
John Deere:	$82,000	$14,542.10	$1,211.84
Includes front bucket and 96" dozer blade Includes 5-year full warranty Guaranteed buyback after 5 years of $24,000			
Case:	$109,471.72	$20,854.20	$1,737.85
Includes front bucket and 84" dozer blade Includes 3-year full warranty Balloon payment at end of 3 years of $31,937.32			
Caterpillar:	$126,995.00	$33,118.56	$2,759.88
Includes 86" bucket and 96" dozer blade Includes 3-year full warranty Balloon payment after 3 years of $42,800.00			

John Deere is a 5-year agreement while Case and Catepillar are 3-year agreements. Russel said Ruben, Nolan, and he looked at all of the machines. Ruben drove the John Deere. Alderman J. White mentioned the John Deere has a good buy back. Alderman Yeager mentioned that YellowHouse has a great service plan. Russel mentioned there are several available attachments and it is multifunctional for the department. Nolan said that the John Deere is simple to use. Mayor Potter made the recommendation to select the John Deere option and he put in a request that when we receive it to work on the alley between 10th and the school for the teachers and kids that walk to school as it is one of the most frequently called about alleys. Alderman J. White made the motion to approve the bid to lease a skid steer from John Deere with YellowHouse. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent.

Consider and Discuss Water and Sewer Updates and Engineering Report-Leonard Nail, Parkhill: Leonard Nail stated that the emergency wastewater project has come to a halt. We are waiting on a pump that will not be here until November and it is at a standstill until it arrives. Leonard did explain that while the online application system was down, we have lost some time and are on a very tight schedule to get the application in for the D Funding. He suggested getting a CIP Committee that is fully engaged in the community as they discussed in the workshop. Mr. Nail stated that the tasks need to be set up for each item in the application and this included the Preliminary Engineering Feasibility Reports for each task. The PEFRs are required for the application for the TWDB to fully understand what we are asking for. He said that five years sounds like a long time, but there are fourteen months of design and two years of construction. He said to maintain the schedule to file the D fund application by October 22nd, we need the resolution to submit and he suggested we have a special meeting to approve the PEFRs and designate the committee members. Leonard and Amanda both explained that the procurement of engineering services is important and after the pre application meeting with the TWDB we have asked Will if we needed to rescind the approval of the MSA from the last meeting and follow the DBE process. She explained that she has reached out to the Disadvantage Business Enterprise (DBE) Program Director for clarification, but has not heard back. The D Fund does not require the DBE notification process, but we do not want it to hurt us when we start applying for the State Revolving Fund and the SWIFT funding, which are both federally funded and require the DBE process. There was a discussion on when the council can meet and Amanda stated she would confirm everyone's availability. Mayor Potter stated he wanted everyone to start thinking about who they want to serve on the committee.

Consider and Discuss Wholesale Water Contract with the City of Lubbock:

Amanda explained that the City of Lubbock was comfortable with renewing the wholesale contract for three years (2027) with the ability to renew for one year after (2028), and again another year (2029), but we would need to be in good communication with them along the process and after the three years go back each year for the last two years to discuss terms. Amanda explained that we provided them with our needs and good numbers on how our plant is running, and we requested the contract be for 102,000,000 gallons per year. She stated the existing contract is for up to 85,000,000 gallons per year, but the terms of the new contract are 60,000,000 gallons per year. She said there is financial impact to the city because the 60,000,000 will be charge at the 1.5 multiplier, but anything over that will charge with a multiplier of 2. Amanda added that while this is disappointing, we need them. Our plant is only working at a 45% capacity when it works and we do not have another option at the present time. The City of Lubbock stated that they do not plan to service us with a wholesale contract after 2029, because they are not going to utilize the Bailey County line as they have in the past due the maintenance cost and the implementation of Lake 7, which aligns with their goals of adding more surface water to their water sources and it is more sustainable because of the reuse features and cost effective. As a result of this, we will be seeking a new water source that will be sustainable for Shallowater because after five years Lubbock will no longer be a viable option for anything other than emergency use. Leonard mentioned that this is why the timeline on the financing is so critical. Amanda stated we need to have the infrastructure in place to be self-sufficient in five years. Alderman Cody made the motion to accept the Wholesale Water Contract with the City of Lubbock. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent.

Consider and Discuss the Proclamation for Trenton Chandler for Winning the Entertainer of the Year from the ISSA (International Singer Songwriters Association): Mayor Potter read the proclamation honoring Trenton Chandler for his achievement in being named as the Entertainer of the Year from the International Singer Songwriters Association and proclaimed September 17,2024 as Trenton Chandler Day.

Consider and Discuss Resolution by the City of Shallowater, Texas ("City") Denying Southwestern Public Service Company's Proposed Surcharge in Connection with Final Rates Approved Related to its Statement of Intent Submitted on About February 8, 2023; Authorizing the City's Continued Participation with Other Cities in The Alliance of Xcel Municipalities ("AXM") And Participation in Related Rate Proceedings; Authorizing the Hiring of Attorneys and Consultants; Requiring Reimbursement of Reasonable Legal and Consultant Expenses; Finding That the Meeting Complies with the Open Meetings Act; Making Other Findings and Provisions Related to the Subject: Amanda explained that the AXM attorneys requested that we adopt a resolution denying the SPS proposed surcharge. Alderman Yeager made the motion to adopt the resolution as presented. Alderman J. White made the second. The motion carried with 4 in favor and Alderman T. White absent.

Consider and Discuss Ordinance 2024.09.17A to Adopt the 2024-2025 Fiscal Year Budget: Alderman Cody made the motion to adopt the 2024-2025 fiscal year budget which will raise more revenue from property taxes than last year's budget by $72,210.96 which is a 4.42% increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is $63,837.20. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent. The record vote is as follows:

Alderman Cody in favor	Alderman Yeager in favor
Alderman T. White absent	Alderman J. White in favor
Alderman Scarlett in favor	Mayor Royking Potter in favor

Consider and Discuss Ordinance 2024.09.17B to Ratify the Property Tax Revenue Increase in 2024-2025 Fiscal Year Budget: Alderman Cody made the motion to ratify the property tax increase in the 2024-2025 budget with a "total tax rate of $0.562772 shall be and is hereby ratified on each one hundred dollars' appraised value of taxable property located in the City of Shallowater, Texas and appearing on the City's tax roll for tax year 2024; that $0.496786 of the tax rate is specifically ratified for maintenance and operation of the City and $0.0065986 of the tax rate is specifically ratified for debt service and **"THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY $72,210.96 AND OF THAT AMOUNT $63,837.20 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.5 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $16.80."** Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent. The record vote is as follows:

Alderman Cody in favor	Alderman Yeager in favor
Alderman T. White absent	Alderman J. White in favor
Alderman Scarlett in favor	Mayor Royking Potter in favor

Consider and Discuss Ordinance 2024.09.17C to Adopt the 2024 Property Tax Rate- Proposed Voter Approval Rate of $0.562772 per $100 Valuation: Alderman Cody made the motion **that the property tax rate be increased by the adoption of a tax rate of .562772 per $100 valuation, which is effectively a 3.5 percent increase in the tax rate."**

"THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."

"THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.5 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,00.00 HOME BY APPROXIMATELY $16.80."

Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White Absent. The record vote is as follows:

Alderman Cody in favor	Alderman Yeager in favor
Alderman T. White absent	Alderman J. White in favor
Alderman Scarlett in favor	Mayor Royking Potter in favor

Consider Minutes of Previous Meeting: Alderman Cody made the motion to approve minutes from previous meetings. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent.

Consider Financial Report: Alderman Cody made the motion to approve the financial report. Alderman Yeager made the second. The motion carried with 4 in favor and Alderman T. White absent.

Consider Bills Payable: Alderman Yeager made the motion to approve the bills payable. Alderman J. White made the second. The motion carried with 4 in favor and Alderman T. White absent.

There being no further business, meeting was adjourned at 8:19 p.m.

Nikki Coronado
Interim City Secretary
Amanda Cummings, City Secretary

Royking Potter
Royking Potter, Mayor