



City Of Seagraves

Regular Session

Seagraves City Council

Monday, March 11th, 2019 – 7:00 P.M

City Council Chambers 309 Hill St.

Guest: Larry Carlisle, Calvin Sellers, Kevin Jefferson, Renee Goodger, Barbara Reynold, Lee Lerma, Marsha Martin, Christy Valles, Juan Perez, Alma Perez, Mike Peterson, Monetta Barron

- 1) **Call to Order-Announce Quorum:** 07:00PM
- 2) **Pledge of Allegiance:** Dan Grife
- 3) **Invocation:** Charles Evans
- 4) **Roll Call:** Charles Evans, Cindy Durham, Kendra Sellers, Debra Middleton, Ruben Valles, Shannon Wadzeck
- 5) **Approve Minutes:** Alderman Middleton Motion to accept minutes of 02-11-19 Regular Session, Second by Alderman Durham. Motion passed by unanimous vote.
Alderman Sellers Motion to accept minutes of 02-21-19 Special Session, Second by Alderman Middleton. Motion passed by unanimous vote. Alderman Valles Motion to accept minutes of 02-28-19 Special Session with a correction (Ruben Valles was absent from this meeting). Motion passed by unanimous vote.
- 6) **Public Comments:** Prior to public Mayor Evans stated that comments were limited to 3 minutes for each speaker. He continued that the Council would listen but would not respond.
Marsha Martin addressed the council regarding loose dogs roaming the streets. She said that she cared for a toddler and that a big dog had acted aggressively toward the child. She said that because of the recent tragic death of an elderly woman in Lubbock who had been killed by pit bull dogs, something had to be done about the dogs roaming the streets of Seagraves before it is too late. Alderman Sellers asked the breed and color of dog that Ms. Martin encountered. Ms. Martin replied that it was a grey pit bull. Ms. Martin said that she did not advocate any animal being euthanized, but that she will continue to any free roaming animal she sees.
Juan Perez addressed the Council. Mr. Perez began by saying that he had attempted to pay his delinquent utility accounts on the day of cut-off but did not do so because he wanted to make payment before the city offices opened. Mr. Perez said that he had tried to pay by using the bill pay site but was turned away from that option as well. Mr. Perez said he had tried to pay over the telephone, but no one answered. Mr. Perez then accused the Public Works director of deliberately preventing service from being turned on even though Mr. Perez had paid part of the past due amount. The City Secretary said that he examined the on-line payment records from the weekend before the cut off. The Secretary said

that many other customers had managed to use the bill pay site and that no outages or problems were reported. The Secretary said that he had examined the call logs from that weekend and the day of cut off; no record of a call from Mr. Perez phone was listed in those records. The Secretary said that the office is closed before 09:00 each day but that on late fee and cut off days anyone attempting to pay the bill was allowed in and taken care of. The Secretary said that receipt records from the day in question clearly list payments processed beginning at 08:00AM and were processed as cash, check, and credit card. The Secretary also said that he did not recall Mr. Perez being among the customers served that morning. The Secretary said what he did recall about Mr. Perez that day was that Mr. Perez came in and made partial payment on two accounts, one Mr. Perez' home and the other Mr. Perez' business. He paid \$100.00 on each account but not until after 11:00AM on the 19th. The Secretary said he recalled Mr. Perez returning that afternoon to pay the reconnect fee for his restaurant. All payments were made with cash; no credit card was used. Public Works was notified that Mr. Perez had paid all but \$10.00 or so of the business account. Later that afternoon The Secretary was contacted by phone by Alderman Valles who instructed The Secretary to restore service to Mr. Perez' home as well, even though the account remained delinquent. Mr. Perez continued demanding that the city reimburse him for business lost due to not having water in his restaurant on Tuesday. Mr. Perez said that he had been told by Alderman Valles that he was going to get his money back and that he would not have to pay any reconnect charges. Mr. Perez had come to the City Council meeting to find out when he would be getting his money. Mayor Evans said that nothing was going to be decided tonight, and that the Council would need to review the facts surrounding the matter before a determination of any reimbursement would be considered.

- 7) **Discussion and Possible Action Rodeo Grounds Lease:** Mayor Evans said that the city has had offers from two parties but that bids may be needed. The city secretary reported that according to the attorney, the city would not need to advertise for bids or take bids to lease the grounds. Alderman Middleton asked The Secretary to report on the advice of counsel. The Secretary explained that according to the Attorney, when a city sells land it normally has to advertise for bids unless the land is of a certain type that the city can sell based only on an appraisal. The same requirement does not apply to a lease of city land. However, the chapter in the Local Gov't Code that requires the bids for selling land is Ch. 272 and it is titled "Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments," so that someone may assume, or argue, that the city is required to go out for bids to lease the rodeo grounds. That is not the case, despite the title of the Chapter as anyone who reads Sec. 272.001 will understand. Renting of the rodeo grounds may be done in the same manner as between a private owner and a lessee. He went on to report that the Attorney strongly suggested that regardless of which party the city chose, that every party involved be required to comply with the terms of the lease agreement and become a signatory to the document thereby assuring that each participant would acquire the needed bonding and insurance and hold harmless the city in the event of injury. In other words, the city can not be party to an actor that would allow the public to participate in overtly dangerous activities on city owned property. Alderman Valles asked if Mr. Rodriguez had been told about the conditions. Mayor Evans said that he knew about it and was asked to attend the meeting. Alderman Sellers said that she felt the city should take bids. Alderman Middleton said she felt that the city should not lease the grounds to anyone. Alderman Valles suggested that if the grounds were not safe to offer for lease and were not useable, then perhaps the city should clear the land. Alderman Middleton said it would be safer for the city to simply not lease at all. Mayor Evans suggested the council table the matter and seek clarification from the Attorney.

Alderman Middleton asked for a vote. Mayor Evans called for a motion.

Alderman Middleton Motion that no lease be granted on the Rodeo Grounds at this time, Second by Alderman Sellers. Motion Passed by unanimous vote.

- 8) **Resolution 19-03-11-B Adopt the Ethic Handbook:** Mayor Evans read the resolution aloud. Alderman Valles Motion to Adopt the handbook, Second by Alderman Middleton. Motion passed by unanimous vote.
- 9) **Resolution 19-03-11-A Support the Application for a NIBRS Grant:** Mayor Evans read the resolution. Motion to Adopt by Alderman Wadzeck, Second by Alderman Durham. Motion passed by unanimous vote.
- 10) **Resolution 19-03-11-C Joint Election Agreement:** Alderman Sellers Motion to Adopt, Second by Alderman Valles. Motion passed by unanimous vote.
- 11) **Resolution 19-03-11-D Authorize the Mayor to Seek a Search Grant for USDA Waste Water Improvements:** Mayor Evans read aloud. He stated that the effort was to renovate the waste water system in Seagraves and explained that the city was seeking a loan/grant for the project. Alderman Durham motion to Adopt the Resolution, Second by Alderman Middleton. Motion passed by unanimous vote.
- 12) **Resolution 19-03-11-E Authorize the Mayor to Seek a USDA Facilities Loan Assistance from USDA:** Mayor Evans read aloud. Alderman Sellers Motion to Adopt and Authorize, Second by Alderman Wadzeck. Motion passed by unanimous vote.
- 13) **Discussion-Possible Action, Administrative Aid in Public Works:** Mayor Evans said that the director of Public works needs an Administrative Assistant due to increasing workloads associated with reporting requirements and capital improvement projects. The Mayor said that Ms. Goodger should be in the field with the workers to train them in more complex duties and to ready them for the certifications that are needed. The Mayor said that we have a person working part time who could move to full time and fill the position. Alderman Sellers asked if the candidate were interested in taking on the work. Mayor Evans said he had spoken with the individual and that the answer is yes. Alderman Middleton asked Ms. Goodger if two days per week would be sufficient. Ms. Goodger said that should be enough help for the time being. Alderman Valles said that would mean that this employee, who currently works part time, would move to full time and then be eligible for city provided benefits. Alderman Valles said that it may be better to hire another part time worker for the job. Alderman Wadzeck asked if Ms. Goodger had considered a high school student to work after school. Alderman Sellers said that a student may not have enough time after school. Alderman Middleton said that moving the employee to full time would be better because the employee has been working for the city as Municipal Court Clerk, is a resident of the city and the move would be beneficial to the employee. Alderman Valles said he still thought it would be better to employ another person part time instead. Mayor Evans said that it may be necessary to make the position a full-time job if the workload continued to increase as expected. Alderman Middleton suggested that the employee be moved to full time with a split schedule between the Municipal Court and Public works for now and reevaluate during the next budget cycle. Alderman Wadzeck Motion to move Tammy Houston to full time and re-evaluate the position during the budget cycle. Alderman Sellers Second the motion. Motion passed.

14) **Discussion Regarding a City-Wide Clean-Up:** Alderman Valles said that he had been discussing the clean-up with the school superintendent and that the superintendent wished to have participation by High School Seniors on a Friday (Senior Skip-Day). Mayor Evans asked if only one clean-up day a year was enough. Ms. Goodger said that our solid waste removal contractor did not have many available roll-off containers, and that the city should make sure that enough containers will be available for the event. Mike Peterson asked to be recognized. The Mayor recognized Mike Peterson. Mr. Peterson asked Ms. Goodger if her office was open each day. Ms. Goodger said that it was but that sometimes she had to leave the office and that she always put up a closed sign when that happened. Alderman Valles said that he was looking at April 26 or 27 for the clean-up and that he would check with the school district and report back.

Alderman Sellers Motion to set April 27th as the day for the clean-up. The motion was second by Alderman Wadzeck. Motion Passed by unanimous vote.

15) **Municipal court Report:** Judge Sellers told the Council that the totals were for January and February and noted that the date for time payments should be 2008. He asked if the Council had any questions. Alderman Sellers Motion to Accept the report. Second by Alderman Valles. Motion passed by unanimous vote.

16) **Police Report:** The report was presented by Sgt. Jefferson in the absence of Chief Grundstrom. Sgt. Jefferson introduced himself to the council and gave a brief account of qualifications. He said that the council had the report and noted that officer Thurmond had left the department, so they were down one person but were interviewing. Mayor Evans asked how the 12-hour shifts were working out. Sgt. Jefferson said that the shift rotation was better with the longer hours but that due to the short staff, some extra overtime was being used. He said that the decision was made to provide for overtime rather than to do without patrols. Alderman Wadzeck said that the council had made several requests to have the animal control officer attend the council meetings, but that to date, the officer had not appeared. Alderman Wadzeck said that the council wanted the animal control officer present at the next session. Alderman Wadzeck asked about the number of animal calls on the report. Barbara Reynolds told Alderman Wadzeck that animal calls were dispatched through cop-sync and that is where she got the figure. Alderman Wadzeck asked approximately how many calls came in for house patrol. Sgt. Jefferson said very few such calls ever came in.

Alderman Wadzeck Motion to accept the report with the notation that the animal control officer be notified to appear at the next Council Meeting. Alderman Durham Second. Motion passed by unanimous vote.

Public Works Report: Director Goodger began by saying that the council had the report and asked if there were any questions. She pointed out that the Cuff System was held up because the balance of chemicals used in the purification process had not been worked out. (See Report) The Director said that Water Tech was sending someone to conduct tests on site to determine the best treatment. Alderman Durham asked if the chemicals would cost more. The Director said the costs were an unknown. Mayor Evans asked if Purifics had recommended a stronger aluminum. The Director said that she had located a 50% concentrate and that it would be used. The Director said that TCEQ has been under the impression that the city had been using the system and that the agency has called for increased monitoring. TCEQ had signed off but the engineer has reported the situation to TCEQ and the agency has extended the time period until July. The City will test two times per year at ten sites across the city. The Director said that she had forwarded an email to the council about TCEQ training opportunities on site. TCEQ has

contracted with Texas Rural Water Association to do the training. TCEQ also offers financial management training. More water reports will be done in May and they should reveal the costs. Mayor Evans asked what the city's rating was. The Director stated that the city's rating is poor. The CSI survey was done. The State will inspect the books to make sure that all specifications are being followed. It is state required to be sure that there are no points of cross connection and that back flow prevention in the water system is adequate. Many specifications are required and may require an ordinance to adopt State Standards on all services. All city-owned and operated connections comply, and back flow preventers have been installed where needed. Anti-syphon can happen whenever water pressure drops and can introduce contaminants into the water supply. Mike Peterson asked if The Director would be inspecting residential water systems. The Director said that either she or another qualified inspector would do so. The Director said that state law requires every sprinkler system to be inspected for back flow prevention. The Director said that the regulations can be read at www.drinkingwaterwatch/crossconnectionprogram. At 08:46 Alderman Wadzeck asked to be excused and left the chamber. At 08:48 Alderman Wadzeck returned. Alderman Durham asked about the status of the eagle water tower. The Director said that she was still waiting for the contractor to have an opening to make the repairs. The condition is stable and is not getting worse. Alderman Valles asked if the city yard will be open from 08:00 AM till Noon on Saturdays for residents to have access to the roll-off container located there. The Director said such an arrangement could be initiated if the Council so directed.

Administrative Report: The City Secretary went over the bullet points. (See Report) Alderman Wadzeck asked about the hours of operation at City Hall. Alderman Valles said that the hours should be 08:00AM through 5:00PM. Alderman Valles said that is what is on the web-site, so that should be the hours of operation. The City Secretary said that the hours were on the door of the City Hall in vinyl lettering signage and that the hours on the door are Monday through Friday 09:00AM to 12:00PM and 01:00PM to 4:30PM for City Hall and Municipal Court. The Secretary said he was not aware that the web-site had different information, but it would corrected first thing in the morning. Alderman Wadzeck asked why no one was allowed to pay until the staff showed up at 09:00. The City Secretary said that the staff is on site at 08:00 every day and that City Hall does not open until 09:00 so that staff has a chance to balance cash and close the day's receipts before accepting payment on the new calendar day. It is necessary to make the deposit to the bank on the same day that the system recorded the receipt totals, or the cash account is out of balance. Alderman Wadzeck repeated The Secretary and said, "you say that you are at work at 08:00 in the morning." Alderman Wadzeck also asked about what time the staff left for the day and about lunch. The Secretary said that although the office does not open, payments can be made through the night drop or on line. Alderman Wadzeck said that she has seen The Secretary outside of the office after 08:00AM. The Secretary explained that he went to the bank every day and to the post office as well. Alderman Wadzeck said she has seen The Secretary riding around town after 01:00. The Secretary said that is because his wife often does not get to go to lunch until after 12:00 The Secretary does not begin his lunch until his wife joins him so sometimes he returns from lunch after 01:00 but the office is always open at 1:00 because staff always leaves for lunch at 12:00. He said that in fact he often worked through the lunch hour and did not take a lunch at all. The Secretary said he has also worked on weekends and at night if the need arises. The Secretary said the only way he can balance cash and close the receipts other than opening at 09:00 would be to stay until 06:00 or later every day and that he feels this would be unfair. The Secretary said that he already puts in over 40 hours every week just keeping up with all the work. The Secretary explained again that the hours are set so that cash and bank

reconciliation will not suffer. The Secretary continued by saying Incode is the application that makes the city run. All payments to the city, all bank accounts, payroll, accounts payable, and bank reconciliation are done through Incode on line and in real time. All payments received on any day are booked to the account paid on the date that payment is made. If the packet containing the payment is closed either on the date payment is received or on the morning following the payment. If not, the payment will not post on the date the customer really makes payment and the account may incur a penalty. In order that accounts are credited on the date that the payment is made it is critical that the END OF DAY operation be done every day. This practice insures that those who pay late will not have payments posted on a prior actual payment date and avoid incurring the appropriate fine or penalty and those who do pay on time will not, likewise, be falsely penalized. In addition, it is critical that the money brought into the city on any day be posted to the general ledger on that day. Otherwise the pooled cash in the general fund will not be in balance and bank reconciliation will be compromised. Without maintaining accurate daily records, it is not likely that the city will have the data needed to make payments to vendors on time or have the funds available for payroll or taxes, thus costing the city additional revenues in penalty and fines. The Secretary said that one work station is set up to process payments and to balance the daily receipts. That station must be closed to balance receipts. In other words, we cannot take payments while we balance the cash drawer and prepare the daily deposit. If the receipts are out of balance for example, a cash payment is processed as a check or vice versa, the error must be found and corrected before the payment package can be posted and accounts credited on time. This can take a while to get done. At 8 AM. We do process every payment that is left in the night-drop before we close the packet so that the customer has the account credit on time. On penalty day and especially on cut-off day customers are let in so that people pay before 09:00. At 09:00AM we stop taking payments until the packet is closed and payments are posted to every account that paid on time. On those days only, we delay accepting payment until a new batch is opened and payments processed with the penalty or cut off added. The process of posting penalty and cut-offs takes additional time because the list of potential cut-offs must be reviewed by the Director of Public Works so that anyone with prior arrangement is not penalized. To the best of my understanding, the process in place before hours were adjusted to the 09:00 to 4:30 schedule caused the system to be out of balance and revenues and fines to go uncollected. It took several months and the assistance of the accountants at Incode to reconcile the bank accounts. The annual Audit report bears out the vast improvements made in the daily operations as a result. Revenues are greater than those reported or accounted for prior to the adjustment. When the council interviewed me for this position I told you problems would be identified, and steps taken to correct them. The results show that it was the correct action. Why would the council want to go back to doing things that hurt the city? I do not see or hear from anyone that thinks the hours City Hall is open is such a problem. The bank, the Post Office and almost every other government office does not open until 09:00. There is a night drop, payments may be made by phone beginning at 08:00, and anyone can pay on line at any time. Notice of due date is listed on the billing which is in the mail box on the first of every month. Late penalties are not assessed until the 11th, and cut-off is the Monday of the last full week of the month. customers have over 20 days to get the payment to the city. It is not likely that an extra hour will a the difference to anyone. If it does, have them call me. I will work it out. Alderman Sellers said that the people who asked her about it said they wanted to come by for other reasons like asking for a copy of something. The City Secretary said to have those people call and he would meet them whenever they needed but that to open the office at 08:00 every day did not seem to be the answer to having an occasional request for a copy.

Alderman Durham suggested setting up a second cash drawer. The City Secretary reminded the council that the City had only one station to process cash payments and that a second drawer would be of no use. A second work station would require renegotiating our service contract with Tyler Technology because we are a hosted site. Then the city offices would have to be modified to accommodate the station. Then the City Secretary asked why the council was willing to go to such extraordinary expense to accommodate so few individuals. A suggestion was made to change cut-off from 09:00AM on the Monday of the last full week of the month to the 05:00PM on the Friday of the week before the last full week of the month so that the office could close the books and stay open till 05:00. The City Secretary said that this move truly would have an adverse impact on many residents who may be paid on a Friday afternoon and not have the chance to get off work, go to the bank and then get to City Hall in time to prevent utility shut off. It just does not seem fair. The Secretary said no one wants to shut off water and that the City Office and the Public Works Department does everything that is reasonable to avoid having to go that far. Juan Perez interrupted by saying that the city should not set cut-off until noon. The City Secretary said that such neglect, avoidance, special treatment and bad practices had left the city in financial ruin. The Secretary reminded the council that the systems initiated by the office of City Secretary regarding utility management had an obvious financial benefit to the city and again asked if the present City Council wished to repeat the bad practices of the past. Alderman Durham said that the city cannot afford to go back to doing things the way that they were done before. Alderman Sellers agreed. Alderman Middleton Motioned to keep the hours of operation as they are i.e. 09:00AM to 12:00PM and 01:00PM to 4:30PM Alderman Sellers Second. Motion Passed by unanimous vote. The Secretary asked for clarification regarding the start date for the Administrative aid to Public Works and the move to Full Time status for Tammie Houston. The Mayor asked the Director of Public Works when she would be ready to start. The Director said that the works station would be ready by the end of the month. The Mayor directed that the start date will be Monday April 01, 2019.

Set Date for Next Regular Session: April 8th at 07:00PM in Council Chambers.

Motion to Adjourn: motion by Alderman Sellers, Second by Alderman Middleton

Adjournment 09:51PM

Note: Meeting date rescheduled by the Mayor for April 01, 2019

Charles Evans, Mayor

ATTEST: _____

City Secretary (Dan Grife)