

CITY OF UHLAND

Uhland Regular City Council Meeting

Wednesday, August 5, 2020 at 6:00 p.m.

City Hall Council Chambers, 15 North Old Spanish Trail, Uhland, Texas

A Regular Meeting was held by the City Council of the City of Uhland, Texas at 6:00 p.m. on Wednesday, August 5, 2020 via Zoom Video Conference. Mayor Hunter was present at City Hall. Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik; and members of the public attended the meeting remotely by web or telephone.

A. CALL TO ORDER. Mayor Hunter called the meeting to order at 6:03 p.m.

Roll Call. Mayor Vicki Hunter, Councilmembers Jessica Hodge, Brian Heideman, Daniel Heideman, Naomi Schrock and Mark Garonzik were present.

Staff in attendance: City Administrator Karen Gallaher, Legal Counsel Amy Aker; City Secretary Traci R. McGinley and Byron Sanderfer of LNV, LLC, City Engineers.

B. PUBLIC COMMENTS

None.

C. PUBLIC HEARING

None.

D. CONSENT AGENDA

1. July 8, 2020 Special City Council Meeting Minutes

2. Financials of June 2020

Moved by Councilmember D. Heideman to approve the Consent Agenda, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

E. CITY STAFF REPORTS

1. **Rocky Road Ranch Zoning Change Public Hearing before Planning and Zoning Commission August 10, 2020 and Council September 2, 2020**
Staff advised Council of the upcoming Public Hearing.
2. **Rocky Road Ranch Annexation Public Hearing before Council September 2, 2020**
Staff advised Council of the upcoming Public Hearing.
3. **Coming Up:**
September – Emergency Management Plan; Zoning Ordinance Draft; Review of 1445 Interlocal with Counties
October – Appointment of Economic Development Committee (EDC) Members; Review of Ordinance 151: Building and Construction Regulations

F. DISCUSSION ONLY ITEMS

1. Uhland Becoming a Dark Sky Community

Councilmember B. Heideman explained that it is becoming more difficult to see the stars at night with the amount of growth the area has experienced. With the scheduled and anticipated development, the light pollution will only become worse. By being a Dark Sky Community, Uhland would have regulations that require that lights illuminate someone's area, but not shine up or onto other people's property.

Councilmember Hodge asked if the Ordinance could be written so that as lights needed to be replaced they would have to be with fixtures that comply with the new regulations.

Discussion was held regarding: other cities in the area that are designated as Dark Sky Communities, the International Dark Sky Association and that the Association has draft Ordinances. It was decided that Legal Counsel Aker would add this to the Zoning Ordinance that she was currently updating.

G. DISCUSSION AND POSSIBLE ACTION ITEMS

Uhland Economic Development Corporation (EDC)

None.

Uhland Planning and Zoning Commission (P&Z)

1. Appointment of Planning and Zoning Commission (P&Z) Members

Councilmember Garonzik asked if there could be a screening process for applicants. Mayor Hunter reminded Council that it is a volunteer position and difficult to get individuals to commit the amount of time that it requires to be a Commission Member.

Discussion was held regarding the Public Hearings scheduled before the Planning and Zoning Commission, the fact that adjoining property owners have been notified and public notices published.

Council enquired about the qualifications for Commission Members. Legal Counsel Aker noted the member requirements per the Ordinance. Concern was raised that one of the applicants may not live within the prescribed area.

Moved by Councilmember B. Heideman to reappoint Ruben Mancias and Joanne Jarrett to the Planning and Zoning Commission contingent upon proof of residency requirements as per the Ordinance, seconded by Councilmember D. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.
Nay: None.
Abstain: None.

2. Harvest Creek Development

a. Planning Development Agreement

b. Concept Plat

In response to questions from Councilmember Hodge, Scott Miller of Ranch Road Development clarified some aspects of the project and explained which areas were considered part of the green space.

Legal Counsel Aker explained the documents provided to the Council, what they accomplished and reviewed her suggested changes.

Discussion was held regarding the difference between this and planned developments the Council has approved in the past. Legal Counsel Aker explained that technically they were not different, but it was better to have Development Agreements be part of the Ordinance.

In response to Council's question, Scott Miller accepted changing it from a Planned Development District to a Planned Development Agreement, as long as it was in title only.

Discussion was held regarding Legal Counsel Aker's suggestion that the setbacks be changed from five feet (5') to six feet (6'), she explained that due to COVID it will be customary to have six feet (6') setbacks.

The requirements of the extension of Grist Mill Collector Roadway Section was discussed. City Engineer Byron Sanderfer stated that it should be defined in Section 4.8 of the agreement. Scott Miller responded that they felt it was outside the scope of the project; however, it was defined in the attachment to the agreement, so he did not object to it being added.

Legal Counsel Aker asked Scott Miller if they had closed on the property because the City could not finalize the agreement until they owned the property. Scott Miller stated that they were due to close late September.

Council and Scott Miller agreed on the following issues: The name would be changed from Planned Development District to a Planned Development Agreement. The setbacks would remain five feet (5'), and Water Reuse, Section 4.13 would not be required.

In response to questions about fees on the project, Scott Miller stated that they typically pay project fees at escrow.

After deliberation it was determined that Councilmember Garonzik had a Conflict of Interest in this matter as a relative within the first degree currently owns this property.

Moved by Councilmember Hodge to table Harvest Creek Development Planning Agreement, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman and D. Heideman and Schrock.

Nay: None.

Abstain: Councilmember Garonzik.

City of Uhland

- 1. Select Grant Administrator to assist in the Application, Project Implementation and Administration for the GLO CDBG-MIT Grant Program, to Include 2015, 2016, Hurricane Harvey State Mitigation Completion and Method of Distribution Funds**

Legal Counsel Aker advised the Council that due to the lack of adequate responses she would prefer that this item went out again; however, it is not feasible due to time restraints of the grant.

City Administrator Gallaher explained that this was sent out to ten (10) companies and only one (1) response was received.

Moved by Councilmember Schrock to select Langford Community Management Services, Inc. as Grant Administrator to assist in the Application, Project Implementation and Administration for the GLO CDBG-MIT Grant Program, to Include 2015, 2016, Hurricane Harvey State Mitigation Completion and Method of Distribution Funds, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

2. Select Professional Engineering Firm to Assist in the Project Implementation, Development and Design for the GLO CDBG-MIT Grant Program, to Include 2015, 2016, Hurricane Harvey State Mitigation Completion and Method of Distribution Funds

Councilmember Schrock explained that four (4) responses were received for this RFQ. A three (3) person committee reviewed and rated those responses and the rating sheets were provided to Council. Two (2) of the responses received high scores. She added that Judge Hoppy Hadden was used as a reference and highly recommended TRC Engineering.

Moved by Councilmember Hodge to select TRC Engineering to Assist in the Project Implementation, Development and Design for the GLO CDBG-MIT Grant Program, to Include 2015, 2016, Hurricane Harvey State Mitigation Completion and Method of Distribution Funds, seconded by Councilmember Hodge. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

3. County Line SUD Certificate of Convenience and Necessity (CCN) Amendment No. 10292

County Line SUD Manager Daniel Heideman explained that this Amendment was filed to clean-up the boundary and to include Harmony Hills, per their request.

No action was needed or taken on this item.

Discussion was held to confirm that this CCN was regarding water service.

4. Ladder Sign Program for the City of Uhland

City Administrator Gallaher requested that this item be removed from the Agenda.

5. Live Oak Cemetery

Legal Counsel Aker explained that she received additional documentation, however a number of requested records were not provided. Numerous laws and regulations govern cemeteries and require them to record, maintain and file information in a particular manner and those are some of the records not provided.

In response to questions from Council, Legal Counsel Aker explained that these regulations are extremely old and cemetery laws have not changed for over a decade. If the City acquired the Cemetery it would be required to correct whatever deficiencies currently exist. She expressed concern that the City could be liable and held accountable for the filings that were not done and the records that do not exist. She added that excluding these issues, she still did not have enough information to provide a recommendation to the City.

Legal Counsel Aker was asked about the requested records that were not provided, she explained that some of the records are board meeting minutes, required state filings, as well as a copy of the state mandated registration book which is a ledger containing information on every plot that exists within the cemetery.

D. Heideman informed Legal Counsel Aker that he provided the records that were maintained by the Cemetery and there are old records, but not a bound book. Councilmember B. Heideiman added that he believes he did create electronic records containing that information.

Discussion was held regarding the historic nature of the Cemetery and typical obligations the City would have should it acquire the Cemetery. Councilmember B. Heideman added that if the City did acquire the Cemetery the City Council could adopt an ordinance regulating how it was managed.

Moved by Councilmember B. Heideman to direct staff to proceed with acquiring Live Oak Cemetery, seconded by Councilmember Schrock. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: D. Heideman.

Due to the number of interested persons in attendance for Item 9 it was considered next.

9. Setting Date for Anderson Park Public Improvement District (PID) Workshop

Legal Counsel Aker confirmed that Council did not require her attendance at the workshop.

There was consensus that the workshop be scheduled for Wednesday, August 25, 2020 via Zoom Conferencing.

6. 2020-2021 Budget Proposal

Mayor Hunter reviewed each line item in the proposed budget.

Councilmember B. Heideman requested line items for equipment purchases, etc. in order to know where money is being spent.

Councilmember D. Heideman requested Public Works be itemized and for road repair to be a separate line item.

The Road Fund and needed road repair was discussed. City Administrator Gallaher explained that the mitigation grant on tonight's agenda will pay for drainage work that must be completed before roads can be repaired properly. Legal Counsel Aker added that the current estimate to redo a road is \$1.2 million per mile.

Councilmember B. Heideman stated that the Cost of Living Adjustment (COLA) and merit increases should be separated, and a 5% COLA was excessively high.

Legal Counsel Aker reminded Council that just because something is budgeted a specific way does not mean Council is obligated to spend the money in that manner.

Discussion was held regarding employee expenses, the importance of providing a good retirement package to employees and the fact that additional part-time staff were included in the budget.

Legal Counsel Aker explained that the new laws require that Council conduct a public hearing and adopt the budget prior to August 24, 2020.

Requested changes to the budget:

- Professional and Consultant Fees to be merged;
- Election costs to be in with Professional and Consultant Fees;

- Employee Relations to be changed to Employee Morale;
- Repairs & Maintenance to be broken out and itemized;
- Public Works to be broken out and itemized.
- Include more line items such as Equipment Purchases, etc.; and
- COLA and merit increases be separated.

Moved by Councilmember Hodge to direct staff to publish budget proposal and set public hearing for August 19, 2020, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

7. Proposed 2020-2021 Tax Rate \$0.175100

Moved by Councilmember D. Heideman to direct staff to publish notice of proposed tax rate, seconded by Councilmember Schrock. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

8. Appointing Traci McGinley as City Secretary and Amending 2019-2020 Budget

Moved by Councilmember Hodge to adopt Ordinance No. 247 appointing Traci R. McGinley to serve as the City Secretary and amend the 2019-2020 Budget, seconded by Councilmember B. Heideman. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock and Garonzik.

Nay: None.

Abstain: None.

Public Works

1. Purchase of Two (2) Zero-Turn Mowers

2. Purchase of Two (2) Fleet Vehicles

Moved by Councilmember B. Heideman to approve the purchase of two (2) mowers from Power Haus Equipment of San Marcos and two (2) trucks from Benny Body, seconded by Councilmember Schrock. The motion carried by the following vote:

Aye: Councilmembers Hodge, B. Heideman, D. Heideman, Schrock
and Garonzik.
Nay: None.
Abstain: None.

H. EXECUTIVE SESSION

None.

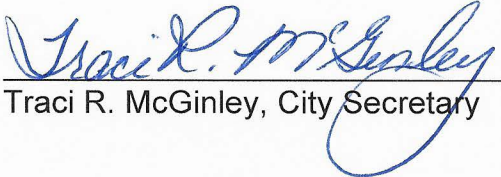
I. ANNOUNCEMENTS

None.

ADJOURNMENT

Meeting adjourned at 9:38 p.m.

Approved September 2, 2020.


Traci R. McGinley, City Secretary