



CITY OF UHLAND

Uhlend Regular City Council Meeting Minutes Wednesday, October 7, 2020 at 6:00 p.m.

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

The City Council Meeting was held via Zoom Conference. Mayor Hunter and Councilmembers Hodge, B. Heideman, D. Heideman and Schrock were present in City Hall. Councilmember Garonzik; as well as members of the public, attended the meeting remotely by web or telephone.

A. CALL TO ORDER. Mayor Hunter called the meeting to order at 6:01 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

Chris Betz, County Line Special Utility District Board President, provided public comment as attached.

C. PUBLIC HEARING

None.

D. CONSENT AGENDA

- 1. September 2, 2020 Regular City Council Meeting Minutes**
- 2. September 16, 2020 Special City Council Meeting Minutes**
- 3. Financials of August 2020**

Moved by Councilmember D. Heideman to approve the Consent Agenda, seconded by Councilmember Garonzik. 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. **Harvest Creek Zoning Change Public Hearing before Planning and Zoning Commission October 21, 2020 and Council November 4, 2020**
2. **Status Updates:**
 - a. **RFP / RFQs**
 - i. **Banking Services**
 - ii. **Public Improvement District (PID) Feasibility Report Consultant**
 - b. **City Job Posting(s) – Office Administrative Assistant**
3. **Coming Up:**
November – Calling 2021 Election; Zoning Ordinance and Site Development Ordinance Updates

F. DISCUSSION ONLY ITEMS

1. **Development Agreements – General Discussion Seeking Council Input and Expectations**

Legal Counsel Aker asked Council if they would prefer to adopt and utilize a new Development Ordinance instead of having individual Development Agreements. She noted that agreements have been presented to staff where developers are not wanting to abide by regulations.

Councilmember B. Heideman stated that the first several agreements were done because the Subdivision Ordinance was old and antiquated at the time. He added that he would be fine not doing development agreements if the new ordinance has everything that is needed.

Legal Counsel Aker added that the purpose of having Development Agreements is to provide additional benefits for the City.

G. DISCUSSION AND POSSIBLE ACTION ITEMS

Uhland Economic Development Corporation (EDC)

1. **Appointment of Economic Development Corporation Board Members (2020-2022 Term – Places 1, 2 & 3)**

Legal Counsel Aker noted that only two applications had been received to date and suggested that Place 3 remain vacant at this time.

Moved by Councilmember D. Heideman to appoint Barbara Ilse (Place 1), Kelly Anderson (Place 2) and that Place 3 remain vacant at this time,

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.

2. FY 2020-2021 Budget

In response to questions raised by Council about the Main Street Revitalization Study and budget. EDC Consultant Victor Garza explained that it was one of the items suggested to be done in the Economic Development Strategic Plan (next on the agenda).

Council had questions regarding EDC funding and the amounts contained in the budget. City Administrator Karen Gallaher explained how EDC obtains its funding and confirmed that sales tax data did support the amount budgeted for income. After additional questions from Council regarding the financials, it was confirmed that an audit was needed but not budgeted. EDC was advised that audits were required and discussion was held regarding adjusting the budget line-items to include an audit.

Moved by Councilmember B. Heideman to approve the Economic Development Corporation (EDC) budget as amended, with the Main Street Revitalization Study being reduced to \$45,000.00 and an Audit line item be created in the amount of \$5,000.00, 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. Strategic Plan

EDC Consultant Victor Garza explained that a number of consultants had worked on the Economic Development Strategic Plan and subsequent changes but it was just recently adopted by the EDC. He added that the Plan will help guide the EDC.

Discussion was held regarding the purpose of the Strategic Plan as well as development and anticipated growth of the area.

Due to numerous questions regarding the information contained in the Strategic Plan and how it would be utilized, EDC President Marian Loep suggested EDC have a joint workshop with Council to discuss the Plan.

Moved by Councilmember Schrock to table the EDC Strategic Plan, 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.

Uhland Planning and Zoning Commission (P&Z)

None.

City of Uhland

1. Plum Creek Utility Company, LLC – Request for Building Permit Fee Variance

Legal Counsel Aker advised Council that she did not see any benefit to the City in waiving the fee at this time. City Administrator Gallaher noted that the permit fee was an extremely large sum and added that she did not believe a utility should be required to pay the 2% permit fee.

In response to Councilmember Hodge, Allison Nieto of Southwest Engineers for Plum Creek Utility, explained that if the fee was not waived the cost would essentially get passed through to the consumers.

Councilmember Hodge asked the cost to connect to the system. Allison Nieto, Southwest Engineers, responded that it was currently \$6,250 (Plum Creek Utility is \$5,000 and County Line SUD's impact fee is \$1,250).

Councilmember Hodge asked how many customers would be affected if the fee was not waived. Daniel Heideman responded that they are reaching approximately 200 customers, but not everyone in the community can connect to the system (for instance he cannot). Allison Nieto, Southwest Engineers, added that no existing homes have been tied into the system to date, but they have committed to servicing over 1,000 residences that are in the process of being developed and the goal is to connect existing residents as well. The system benefits the community in general because the wastewater is what is bringing the development into the community.

Brian Heideman asked how this may affect the City when it has been over two years since the groundbreaking and the fact that a permit was not previously required. Daniel Heideman confirmed that he was in attendance at a meeting where they were informed that no fees or permits were needed.

City Administrator Gallaher explained that this fee was for the current plant expansion only, due to the amount she had suggested a Franchise Agreement, the City would get a franchise fee and maintain the ability to review the plans.

Legal Counsel Aker reminded both Heideman's that a conflict exists and they would need to recuse themselves.

Councilmember Schrock asked who would benefit if there was a franchise agreement. Legal Counsel Aker explained that when an entity purchases permits, all members are burdened by that fee, but only citizens using wastewater would pay for a franchise agreement.

Legal Counsel Aker noted that permits are required, regardless of whether they were submitted or required in the past and as soon as she learned about the project they were advised that a permit would be needed.

Mayor Hunter added that as a business they should understand that permits are required and that there may be fees as well.

Brian Heideman stated that permits were not required for phase 1 and phase 2 of the project.

Steven Greenberg, Managing General Partner of Plum Creek Utility Company, stated that they were originally advised that as a utility no permits or fees were required and continued to believe that was the case, this is one continuous project. If they are required to pay this permit fee it adds to the cost of the project, but will be spread out over a long period of time and a large number of customers. He stated that there is a concern that they received the bill after the fact.

Legal Counsel Aker explained that it is no different than dealing with Texas Commission on Environmental Quality (TCEQ), permits are needed for each phase.

Councilmember Hodge stated that she had a concern waiving the fee and these types of fees are anticipated by people when moving into a new development.

Legal Counsel Aker noted that the Fee Schedule was adopted in May and the project was filed in June.

Allison Nieto, Southwest Engineers for Plum Creek Utility, stated that they were advised that the building would require a permit, but were never informed that the project itself would need a permit. She added that having to pay this type of fee is a concern, but they would not have a problem

reimbursing the City for costs. She added that if the fee is not waived it will have to be paid again and again as they expect to expand the plant each year, there is already another expansion planned next year.

City Administrator Gallaher suggested a smaller permit fee for utilities.

Brian Heideman stated he did not like charging fees just for the City to make money, but that the City should at least re-coop it's costs. Legal Counsel Aker explained that fee schedules themselves charge extra in order to fund the City's growth.

Daniel Heideman asked if the City had inspected the project. City Administrator Gallaher responded that the permit system will not allow the permitting process to move forward without payment. Daniel Heideman added that the City better hurry before the project is complete.

Councilmember Garonzik stated that he understood both sides of the situation.

Steve Greenberg, Managing General Partner of Plum Creek Utility Company, stated that there was never a discussion that there would be a permit fee and did not feel that it is right after the fact, but would be fine with a fee moving forward. He explained that when the project started four years ago it was for one developer, the City is the one that approached Plum Creek Utility and asked them to do this for the community. Plum Creek is legally bound to provide the service and will go along with whatever the City decides.

In response to questions from Chris Betz about notification of the fees, Legal Counsel Aker explained that she was not obligated to provide notice to anyone regarding the fees. The fees were set by ordinance and can only be waived by Council approval.

Steven Greenberg, Plum Creek Utility, stated that there was never an agreement to waive fees because there were no fees at that time.

Councilmember Schrock suggested that Plum Creek Utility pay the City's actual costs and that the City should consider charging utilities only ½ percent for fees.

In response to City Administrator Gallaher's question as to whether County Line SUD had inspected the project, Daniel Heideman stated that he did not understand why so many entities inspected the project.

Legal Counsel Aker added that no construction should have been started prior to a permit being issued.

Moved by Councilmember Garonzik to waive the permit fees, due to a lack of second the motion failed.

Moved by Councilmember Schrock to waive the fees with the exception of the inspection fees for this particular project, seconded by Councilmember Garonzik. The motion carried by the following vote:

Aye: Councilmembers Schrock and Garonzik.

Nay: Councilmember Hodge.

Abstain: Councilmembers B. Heideman and D. Heideman.

2. Resolution Adopting the Amended / Updated Citizen Participation Plan Policy for the GLO Community Development Block Grant Programs

Moved by Councilmember Hodge to approve Resolution No. 10072020 to Adopt the Amended / Updated Citizen Participation Plan Policy for the GLO Community Development Block Grant Programs, 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.

3. SH 21 Corridor Committee – Curtis Wells, Naomi Schrock, Chris Betz and Karen Gallaher

Moved by Councilmember B. Heideman to appoint Curtis Wells, Naomi Schrock, Chris Betz and Karen Gallaher as the City's representatives to the TxDot SH 21 Corridor Committee, 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.

Councilmember D. Heideman stated that the SH 21 corridor will affect the downtown area. Administrator Gallaher expressed concern about the possible impact to the sales tax as well.

4. Professional Services Agreements

City Administrator Gallaher requested that this item be taken to Executive Session.

5. Administration Fee Agreement – Uhland Economic Development Corporation (EDC)

City Administrator Gallaher explained that she requested this item come before Council because staff has been handling the Agenda and other documentation and EDC no longer has the administrative line-item in the budget to offset the City costs.

Councilmember B. Heideman asked why the EDC Board could not do this for themselves. Legal Counsel Aker explained that the Board would typically handle these duties but it has not and it has been falling on City staff.

Councilmember D. Heideman stated that the City could continue to handle these duties, but EDC should continue to pay for the services.

City Administrator Gallaher stated that she serves on the Board and City staff handles a lot of the responsibilities.

Discussion was held regarding responsibilities of the different board positions.

Erica Heideman, EDC Board Member, requested that prior to incurring any costs the EDC be provided the opportunity to address this at their next meeting.

Councilmember Garonzik agreed and stated that he believed there were people on the Board that would handle their responsibilities and duties.

Councilmember B. Heideman suggested EDC Board Members keep that in mind when recruiting board members and selecting officers.

Legal Counsel Aker recommended that new board members come to the City to ensure they obtain needed information regarding EDC and their responsibilities.

No action was needed or taken on this matter.

6. Amendment to 1445 Interlocal Agreement with Caldwell County

Legal Counsel Aker stated that the City would be receiving a letter from Caldwell County regarding an amendment to the 1445 Agreement.

No action was made or requested on this matter.

7. Personnel:

a. Personnel Policies – Amend Article 6. Pay Increases, Promotions, Demotions and Resignations

Discussion was held regarding Merit and Cost of Living Adjustments (COLA). Legal Counsel Aker reviewed the amounts provided by comparable organizations.

Longevity Awards were discussed in detail, Council was in favor of recognizing employees for longevity but it was suggested that the amounts be cut in half.

Moved by Councilmember Schrock to adopt amended Article 6 of the City Personnel Policies with Section 6.05 Longevity Award amounts being reduced by one-half, 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.

b. City Administrator Job Evaluation

Legal Counsel Aker explained that Council was provided with copies of reference letters and a summary of the combined evaluations. She added that based on the Personnel Policies the City Administrator is entitled to receive a two percent (2%) merit increase.

Council chose not to review the overall evaluation in detail with the City Administrator.

c. Budgeted Funds – Payroll: Merit and Cost of Living Adjustment (COLA) Increases

Due to adoption of amended Article 6 of the City Personnel Policies this item was no longer necessary.

H. EXECUTIVE SESSION

1. Professional Services Agreements

Mayor Hunter noted that she was not able to stay and attend the Executive Session.

Councilmember Garonzik was not present at City Hall and therefore would not attend the Executive Session.

At 9:47 p.m. Mayor Hunter announced that Council would temporarily adjourn to Executive Session regarding Professional Services Agreements.

Mayor Pro-Tem Schrock reconvened the meeting in open session at 10:14 p.m. and noted that no action had been taken in Executive Session.

G. DISCUSSION AND POSSIBLE ACTION ITEMS *(continued)*

City of Uhland

6. Professional Services Agreements

Moved by Councilmember Hodge to provide notice to terminate the Professional Services Agreement of LNV, LLC, and for staff to issue an RFP for Engineering Services, seconded by Councilmember B. Heideman. The motion carried by the following vote:

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

Nay: None.

Abstain: Councilmember Garonzik (Due to the fact that he did not attend the Executive Session).


I. ANNOUNCEMENTS

None.

ADJOURNMENT

Meeting adjourned at 10:15 p.m.

Approved November 4, 2020.



Traci R. McGinley, City Secretary

Public Comment Submitted

From: [Chris Betz](#)
To: [City Secretary](#)
Cc: [City: "Daniel Heideman"](#)
Subject: Public Comment for the 10/7/2020 City of Umland Council Meeting
Date: Wednesday, October 7, 2020 12:53:39 AM

Hello,

I wanted to request a Public Comment minute or two to update the Council on an additional internet option coming to the area:

Hello,

My name is Chris Betz, and today I'm speaking to you in the capacity of the Board President of County Line Special Utility District.

As you are aware, many areas of Umland have extremely limited access to high-speed internet. Cable only reaches a portion of our town and Spectrum (formerly Time Warner) has expressed little or no interest in expanding their service to existing homes. That only leaves cell phone or satellite internet, both of which are not ideal - especially for anyone trying to access school or work from home.

With Covid causing a massive jump in people needing to access work or school from their home, high-speed internet has gone from a want to a very necessary need.

A few weeks ago, County Line SUD signed an agreement with a company to provide high-speed wireless internet from antennas placed on the top of County Line's water towers (the tower on FM 150 and the new tower by the elementary off High Rd). That company is Spry Wireless - a local company out of Buda that already provides this service to other areas near us.

This service is provided by Spry Wireless, not County Line... County Line is only providing the antennae locations. If someone wanted the service, it would be just like signing up for any other internet service, if you want it you can request it from them directly, County Line won't have anything to do with the install, billing, or customer service... we are just providing them a very, very tall place to put their equipment so that they can reach as many people as possible.

I've been told that the equipment is on order and I hope that Spry will be able to start providing service in the next several weeks.

Finally, I'd like to thank a few local folks for doing the research and helping us to select Spry - Brian Heideman, Tony Brewer, and Daniel Heideman.

If you have any questions, please let me know and I'll try to answer them, otherwise you can find out more about Spry, including their rates (@\$80 - 150/month) @ sprynext.com.

Thank you,

Chris

Chris Betz
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