

§STATE OF TEXAS
§CALDWELL COUNTY
§CITY OF LULING

THE CITY OF LULING CITY COUNCIL MET IN REGULAR SESSION ON THURSDAY, SEPTEMBER 10, 2020 AT 6:00 P.M. IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 509 E. CROCKETT STREET, LULING, TEXAS.

The following members present were:

Mike Hendricks	Mayor
Jackie Campbell	Council Member
Melanie Doyle	Council Member
Wayne Tresner	Council Member
C. J. Watts	Council Member

Council Member James Nickells was in attendance per phone conference.

Staff Members present:

Mark Mayo	City Manager
Martha Velasquez	City Secretary
James Rougeou	Finance Director
William Sala	Police Chief
Elizabeth Mundine	Asst. Finance Director
Ryan DeCamp	Code Enforcement Officer

1. Call Meeting to Order.

Mayor Hendricks called the meeting to order and welcomed all the visitors.

2. Pledge of Allegiance and Prayer.

We said that Pledge of Allegiance to the American and Texas flags. Council Member Jackie Campbell gave the invocation.

3. Consent Agenda – *All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.*

a. Approval of Minutes of the August 13, 2020 regular City Council meeting.

b. Consider/Approval of Accounts Payable.

c. Consider /action a resolution of the Luling City Council disapproving the 2021 Caldwell County Appraisal District Budget, Pursuant to Section 6.06(b) of the Texas Tax Code.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell to approve the Consent Agenda as presented. The motion carried with all members present voting unanimously in favor of the motion.

4. Citizen Comment Period with City Council.

Any person with business before the City Council, not scheduled on the agenda, may speak to the Council. No formal action can be taken on these items at this meeting. Comments will be limited to three (3) to five (5) minutes per person.

Alfonso Sifuentes, Director of Sales Services with Central Texas Refuse stated that on behalf of CTR he would like to thank the Council for the opportunity to participate in the RFP process. He stated that although they were disappointed because they did not make the final cut they look forward to coming back in three (3) years and bid again. Mr. Sifuentes stated that we would still be seeing him around.

Jay Howard, Texas Disposal, stated that he would also like to thank the Council for the opportunity to participate in the RFP process. He stated that they have been looking forward to bidding for our service and we for quite some time. He gave a little history about their company that has been in business since 1977 two brothers started this company and they are still very much involved in the business. He stated that there are some additional services that they were able to offer our citizens like free dumping at their landfill since they did own their own landfill. He stated that there is a lot of added value for our citizens.

Ryan Skylar with Waste Connections stated that he would like to echo what the other 2 have said by giving thanks to the City for the opportunity to bid and to provide the City with their services for the last 20 years. He stated that the drivers know the city like the back of their hands and they know all the residents of Luling. He stated that all their trucks in the city of Luling are new trucks.

5. Consider/action an Ordinance of the City Council of Luling, Texas setting the tax rate and levying ad valorem taxes on all taxable property in the City of Luling, for year 2020 for the current expenses for the fiscal year ending March 31, 2021 and providing that in the event any provision of this ordinance be held unconstitutional and invalid, that such holding shall not affect the remaining provision.

Sonny Rougeou, Finance Director stated that we meet on August 13 and we discussed and proposed a tax rate \$0.5133 per \$100 of taxable value, and on September 3 we held our Public Hearing that is required since our proposed rate was higher than the no increase rate. We voted to approve that rate on September 3rd however, we did not have an action item on the September 3rd agenda and therefore we have it on this agenda to take action.

Council Member Wayne Tresner made a motion seconded by Council Member CJ Watts that the property tax rate be increased by the adoption of a tax rate of \$0.5133, which is effectively a 3.53% increase in the tax rate. The motion carried with all members voting unanimously in favor of the motion. (The vote was taken by ward)

6. Consider/action awarding the Municipal Solid Waste and Recycle Bid.

City Manager, Mark Mayo stated that we had received 5 bids on our RFP for Municipal Solid Waste and Recycle Bid. (Frontier Waste, Texas Disposal, Waste Connections, Central Texas Refuse and Superior Disposal) Mark stated that the Council had a spread sheet in front of them to review and stated that since this information is very sensitive he would like for the spreadsheet to be returned to him once they discussed this agenda item.

We are looking at residential and recycling prices and then the second page is commercial pricing. On the third sheet there is an average of the monthly bill between the different bids. Some of them were extremely high in residential and some were extremely high in commercial, but we combined them and averaged them to get an average rate.

Mark stated that one thing that was brought up during this process was our request for a \$20 million insurance umbrella policy. Right now our current garbage contract, has a \$20 million insurance umbrella policy. Mark stated that all of the companies submitted a \$5 million insurance umbrella policy. One company did bid with a \$20 million policy and another one submitted a cost with both a \$5 million and a \$20 million. Mark stated that we went across the board with the \$5 million insurance umbrella policy cost so that we would be comparing apples to apples. Mark stated that the committee consisted of himself, Liz Mundine, Sonny Rougeou, Jessica Tucker, Buddy Pearson and Martha Velasquez. Mark stated that we put all these prices together and that he would like for the Council to look at the last 3 pages and look at the extra things that these companies offer the citizens and our community. He stated that Frontier Waste and Texas Disposal listed a lot of the activities that they are involved within the communities they serve. He stated that Texas Disposal have trees and other things like their own landfill like Central Texas Refuse. He stated that there extras some of these companies offer the communities, and we have to weigh that in but is it enough to weigh the difference in the cost?

Council Member CJ Watts asked about the recycling if we would have 2 containers, one for our garbage and one for recycling. Mark stated that we would be able to offer recycling that we didn't have for the same price that we have now for our garbage.

Council Member Wayne Tresner asked about the roll offs if that was going to be exclusive, to which Mark stated no, he stated that we were not going to fight that battle. He stated that they will have an exclusive on picking up our garbage but that does not include roll offs.

Mark stated that he had negotiated giving up franchise fees for free pickup of our sludge at both plants and for free roll-offs to demo our unsafe properties around town both of these services at no fees to the City. Mark asked the Council how they wanted to move forward and then they would negotiate the contract. Mark told the council that there were things that we as the City had requested in our RFP and as we negotiate the contract we will see that those things are included in the contract.

Council Member James Nickells wanted to clarify something that the recycling states every other week but that is just the recycling correct that isn't the residential service; He stated that he wanted to clarify that because of the way it was written on the bid.

Mark stated that all the bids we received had added that for bulky pick up the customers would call them directly instead of calling our office. He stated that currently Waste Connections notify us if a customer puts their stuff out a week before bulky item pickup. (Mark stated that code enforcement issues citations if bulky items are put out too early, because we do not want people placing junk out in front of their resident too early).

Mark stated that when he came to Luling back in 2013 and it came time to renew contract that we did not have any bidders so he was glad that we had 5 companies respond to our RFP. Mark stated that the question is, between the top two, is weighing the extra stuff and you can tell the difference that is between the monthly prices which is listed on the spreadsheets in front of you. Mark said that he called around to the communities that used the top two companies and that everyone had nothing but praise for both companies and even said that the transition went smooth. We went with a 3 years contract with an option of two renewals of 3 years.

Council Member James Nickells asked if we decided to go with 2nd lower bid, would the City have to go up on their garbage rates. Mark stated that if we went for bidder 1 or bidder 2 we would not have to go up on our garbage rates and we would be offering customers recycling. We will not be making as much on the 2nd option as we would on option 1, but we will not raise customers garbage rates.

Mark stated that the committees felt with the added benefits to our citizens it weighed heavily for number 2 bidder, now that's a decision that council needs to make is if that extra amount is going to make a difference. Mark stated that they are right there neck and neck, it's not a big amount difference.

Council James Nickells stated that it was good to know that we are not looking at just the amount of money but the additional benefits.

Mark said that it is no fault to Frontier Waste that they don't have a landfill and that Texas Disposal does and that the citizens could go over there and dump a trailer load for free. Frontier Waste is ever involved in the community.

Council Member CJ Watts stated just to be sure, the citizens are not going to see a decrease or an increase in garbage rate but will get an additional service of recycling.

Following all the discussion, Council Member Jackie Campbell made a motion seconded by Council Member Wayne Tresner awarding the Municipal Solid Waste and Recycling to Texas Disposal Waste. The motion carried with all members present voting unanimously in favor of the motion.

City Manager, Mark Mayo, stated that he was willing to sit with any of the bidders to go over the spreadsheet and see where they were on the list. He stated that if any of the companies wanted to he was willing to sit down with them.

Mayor Hendricks thanked everyone for their bids.

7. **Consider/action declaring two (2) ambulances, Medic 8 VIN# 1GB9G5B62A1122070 and Medic 10 VIN # 1GB6GSCC0D1168654 from Luling EMS as surplus.**

EMS Director, Richard Slaughter would like to declare Medic 8 and Medic 10 as surplus. He explained that Medic 10 is currently not running and he that he would like that one declared surplus now. He stated that they are currently use Medic 8 and that he would like that one declared surplus once the new ambulances come in.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell declaring Medic 10 VIN#1GN6GSCC0D1168654 as a surplus item now and Medic 8 VIN#1GB9G5B62A1122070 we maintain in service now and declare as surplus once delivery of new ambulance. . The motion carried with all members present voting unanimously in favor of the motion.

8. **Consider/action renewing the Interlocal agreement between the City of Luling and City of Schertz.**

Richard Slaughter explained that this is a continuation of what we've been doing for years. Richard stated that the rates did not change and it's the same.

Council Member Wayne Tresner made a motion seconded by Council Member James Nickells renewing the Interlocal agreement between the City of Luling and City of Schertz. The motion carried with all members present voting unanimously in favor of the motion.

9. **Consider/action an Ordinance of the City Council of the City of Luling, Texas amending the Code of Ordinances of the City of Luling, Texas by renaming Chapter 78 "Parks and Cemeteries"; creating Article I, "City Parks", and Article II, "City Cemeteries"; Providing severability; providing repealer; providing penalties; providing publication, and providing an effective date.**

City Manager, Mark Mayo, stated that this is more of an addition to our current ordinance on our cemeteries.

Council Member CJ Watts asked about flat or upright monuments if they were allowed in the cemetery, and if not that needed to be added in the ordinance.

Mayor Hendricks stated that at the Garden of Peace and Garden of Prayer all monuments needed to be flat, but at other parts of the cemetery, upright monuments can be placed.

Council Member Wayne Tresner made a motion seconded by Council Member CJ Watts approving an ordinance of the City Council of the City of Luling, Texas amending the Code of Ordinances of the City of Luling, Texas by renaming Chapter 78, "Parks and Cemeteries", creating Article I, "City Parks", and Article II, "City Cemeteries"; providing severability; providing repealer; providing penalties; providing publication, and providing an effective date, with the amendment added about flat monuments are the only monuments allowed at the Garden of Peace and Garden of Prayer part of the cemetery. The motion carried with all members present voting unanimously in favor of the motion.

- 10. Consider a recommendation from Planning and Zoning Commission regarding a Zone Change Application by Johnny Don Johnson, to request that a currently zoned (A-OS) Agricultural-Open Space Zoned District be changed to (R-1) Single-Family Residential Zoned District. The property is located at 1809 E. Davis Street, on a tract of land with the legal description of A018 Morris, Spencer, Acres 2.48 (PID 22896) Luling, Caldwell County, Texas.**

Ryan DeCamp stated that this is for Johnny Don and Mayra Johnson. They are subdividing this property for a subdivision that we will get to in the next agenda item; but they wanted to go ahead and do a zone change. Some of this property is outside of the city limits and they have volunteered to bring the property that is not in the city limits into the city limits. (just for the 3 lots mentioned below). Mark added that they are in our CDBG grant, for sewer improvements on the Northside and they are going to work with us on some right of ways on their property.

Council Member CJ Watts made a motion seconded by Council Member Jackie Campbell approving a Zone Change Application by Johnny Don Johnson, requesting that a currently zoned (A-OS) Agricultural-Open Space Zoned District be changed to (R-1) Single-Family Residential Zoned District. The property is located at 1809 E. Davis Street, on a tract of land with the legal description of A018 Morris, Spencer, Acres 2.48 (PID 22896) Luling, Caldwell County, Texas. The motion carried with all members present voting unanimously in favor of the motion.

- 11. Consider a recommendation from Planning and Zoning Commission regarding a Subdivision Application by Johnny Don Johnson, to request a subdivision for a total of 3 lots, for future development of Single-Family residential homes. Property is located at 1809 E. Davis St., on a tract of land with the legal description of A018 Morris, Spencer, Acres 2.48 (PID 22896) Luling, Caldwell County, Texas.**

Ryan stated that this is more of a formality; anytime there are more than 2 lots being subdivided it has to come before the Council. Planning and Zoning have recommended the Subdivision Application.

Council Member CJ Watts made a motion seconded by Council Member Melanie Doyle approving a Subdivision Application by Johnny Don Johnson, to request a subdivision for a total of 3 lots, for future development of Single-Family residential homes. Property is located at 1809 E. Davis St., on a tract of land with the legal description of A018 Morris, Spencer, Acres 2.48 (PID 22896) Luling, Caldwell County, Texas. The motion carried with all members present voting unanimously in favor of the motion.

- 12. Consider/action a Resolution authorizing the City of Luling officials to apply and execute documents related to said application assistance under the rules and regulations of the U.S. Department of Commerce. Economic Development Administration (EDA) under the Cares Act Recovery Assistance Program.**

City Manager Mark Mayo stated that the grant we are going after would be for getting gas to the North side Industrial Park, and getting gas to I-10. This also includes the improvements to divide our electric lines; this

would separate the school and hospital to a separate line. Includes moving electric line out from the river closer to I-10 closer to the roadway. This would also include streets and upgrade to water and sewer. Lift station at Riverbend, sewer and water improvements. Lift all the electric lines about 10 foot rise. All of these would be part of the EDA grant. Mark stated that there is a part of a component which is the developer of the new truck stop coming to Luling. He is putting up some money for the City's match since this will benefit his new truck stop. EDC will also be putting up some funds of the City's match, since this is an 80 – 20 match.

Council Member CJ Watts stated that this is a big opportunity that we need to apply for and try to get this grant.

Council Member Jackie Campbell made a motion seconded by Council Member Melanie Doyle authorizing the City of Luling officials to apply and execute documents related to said application assistance under the rules and regulations of the U.S. Department of Commerce. Economic Development Administration (EDA) under the Cares Act Recovery Assistance Program. The motion carried with all members present voting unanimously in favor of the motion.

13. Police Department Monthly Activity Report.

Chief Sala stated that they are very excited to get their new detective Tony Leal which is highly qualified and highly skilled for this position. He retired from DPS, last 3 year from Texas Rangers.

Chief stated that he is still short 2 patrol officers. He isn't getting any applications, with all the defunding there are no police academies. He stated that Assistant Chief Pehl and Captain Daughtery have been with him since day one. Chief Sala stated that everyone that has left his department are now detectives or have advanced in their career.

14. Adjourn.

There was no other business and the meeting was adjourned.

Approved: _____

Mike Hendricks, Mayor
City of Luling

Martha C. Velasquez
City Secretary