



## **City of Pattison**

**P.O. Box 223**

**Pattison, TX 77466**

**281-934-3715**

**Website: [www.pattison.texas.gov](http://www.pattison.texas.gov)**

**City Council Meeting Minutes: September 17, 2019**

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### **I. Call Meeting to Order**

A regular meeting of the Pattison City Council was called to order by Mayor Joe Garcia at 7:00 p.m. in the Royal ISD Administration Building, located at 3714 FM 359, Pattison, Texas 77466.

#### **Members Present:**

Mayor Joe Garcia, Councilmember: Wayne Kircher, Robert MacCallum, Seth Stokes, Frank Cobio and Fred Branch. Councilmember Branch left the meeting at 8:15 PM.

**Also Present:** City Attorney, Lora Lenzsch; City Secretary, Christa Molloy; Planning Commission Chair Rick MacDonald, Vice Chair Heidi Gregory; Planning Commission Member Lee Kosina

### **II. Pledge of Allegiance**

Mayor Garcia led the pledges

### **III. Citizens Comments – No action can be taken:**

No Citizen's signed up to comment.

### **IV. Council to approve agenda.**

Mayor Garcia asked for a motion for the Council to approve the agenda as presented. Councilmember Stokes made a motion that the agenda be approved as presented, seconded by Councilmember Cobio. The motion passed unanimously.

### **V. Consent Agenda**

Items listed under the consent agenda are considered routine and are generally enacted in one motion. There will be no separate discussion of these items unless a councilmember requests one or more items to be removed from consent agenda for a separate discussion and action.

- A.** Consent and approval of Minutes from the August 20, 2019 regular meeting.
- B.** Consent and approval of the finance report for September 2019.
- C.** Consider approval of checks paid and payables to include Byron Bruess Tree Service

Mayor Garcia sought a motion to approve the Consent Agenda. Councilmember Cobio made the motion that the Consent Agenda be approved as presented. The motion was seconded by Councilmember MacCallum. The motion passed unanimously.

### **VI. Business**

#### **1. Presentation by Royal ISD Superintendent Dr. Stacy Ackley**

Mayor Garcia introduced Dr. Ackley who gave a presentation on the current status of the Royal Independent School District (RISD) while presenting additional details on the proposed Bond Election scheduled for November 5, 2019. Dr. Ackley shared the successes of the students at RISD, the current status of the facilities and the needs of RISD. Dr. Ackley shared that his presentation materials could be found at the Royal ISD website <https://www.royal-isd.net/> and <https://www.royalisdbond.com/>.



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During Dr. Ackley's discussion on capacity and future needs highlighting that one subdivision could double the size of the district, Councilmember Stokes asked for clarification on the boundaries of RISD towards the Katy area. Dr. Ackley shared that it includes the Freeman Ranch on FM 529 with a projected 900 homes with an option for property next to it and the new Lone Lake Sky which has an anticipated 650 lots with an anticipated 0.7 to 1.7 children per household.

At the completion of Dr. Ackley's presentation, Mayor Garcia asked the councilmembers if they had any questions regarding his presentation. Councilmember MacCallum spoke about the amount of traffic on FM 359 and how it backed all the way up to Brookshire at times. Councilmember MacCallum hoped that the new road proposed by RISD would help to alleviate this problem. Dr. Ackley confirmed that was the purpose the proposed road.

Councilmember Kircher asked if Dr. Ackley had worked with the County to get a traffic light at Durkin Road. Dr. Ackley stated that they had not work on a traffic light but trying to get a road put in, but the County was strapped at this time. He supported the idea of one because it could be controlled when school was starting or ending by a police officer. Councilmember Kircher felt this was a safety concern and shared how difficult it is to get back on FM 359. Councilmember Cobio shared that back in 2006 there had been a discussion with Texas Department of Transportation (TXDOT) about putting in a traffic light with the new school that was built. At that time, TXDOT felt that there was not enough traffic to support a light, but that perhaps things have changed. Councilmember Stokes shared his problems with the traffic with the ECC and STEM school traffic while dropping off or picking up his children from school. Dr. Ackley shared that with a study on how to get traffic moving with the proposed road they will try to resolve these issues.

Councilmember Stokes asked Dr. Ackley for clarification on the proposed tax rate of \$1.48. Dr. Ackley shared that currently the tax rate is \$1.5288, if the bond fails the rate would go to a \$1.4288 as a result of the recent State Legislature House Bill changes. If the bond passes it would go from the \$1.4288 to \$1.488, stating that the tax bill will still go down.

Mayor Garcia thanked Dr. Ackley for taking time to provide the Council with the information. Dr. Ackley thanked the Council for the opportunity to give his presentation and invited Councilmembers to join other meetings scheduled on the Bond Issue should they have any other questions.

## **2. Presentation, discussion and possible action on the status of the Subdivision Ordinance.**

Mayor Garcia asked the City Attorney for an update on the Subdivision Ordinance. The City Attorney shared that the Ordinance was in a final draft. Currently the Engineers are reviewing it to ensure the design standards are up to date with the recent legislative changes to the platting process. The City Attorney stated that she was working toward having a draft available within the next few weeks.



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### **3. Presentation, discussion and possible action on a noise ordinance.**

Mayor Garcia shared that the City Attorney had shared information with the Council about noise regulations in several communities and wanted their feedback so that the City Attorney could draft a noise ordinance that could be brought back for consideration. Mayor Garcia shared background information that there have several complaints of locations in the City that are prone to generate noise that can be heard across the City and into people's homes. He is seeking a noise ordinance that will regulate the hours of noise as well as regulate it so that citizens won't hear noise inside their homes. He also stated that the proposed ordinance should address the concerns of 18 wheelers on FM 1458 and using their airbrakes.

Councilmember Stokes stated that the City of Sealy version covered most the areas that he had thought of. His recommendation is that nighttime hours should be 9:00 PM and felt that 10:00 PM was too late as he personally had children in bed by two hours even at 9:00 PM. He did like the exemptions as they relate to school functions, necessary construction and property maintenance. The piece he liked best was in the section under enforcement allowing that there be a commonsense aspect as to the noise to be able to stop it not requiring a decibel rating.

Councilmember MacCallum stated that a lawyer might challenge that and one of the reasons why you might want an instrument reading. Councilmember MacCallum asked the City Attorney for her thoughts on this. The City Attorney shared that most cities have two provisions of a standard, one with a common sense standard and one with the decibel readings. The City Attorney shared that most cities do not have an instrument for the decibel readings so ideally the city should create a standard of what is reasonable and unreasonable.

The City Attorney shared that the noise issue would be handled as a nuisance and they the violators would get a letter. Discussion turned to whether the County law enforcement would be able to enforce it for the City. Mayor Garcia shared that we also had a Municipal Court and could notify the individuals of a compliant possibly having a mechanism in place to address this. Councilmember Stokes ask about noise coming from locations in the Extra Territorial Jurisdiction (ETJ). The City Attorney stated that the ordinance cannot be enforced in the ETJ.

Councilmember Kircher shared that he also agreed that City of Sealy of ordinance and that it seemed to be the consensus for councilmembers except for the time. Councilmember Stokes wanted the noise hours to start at 9:00 PM, Mayor Garcia, Councilmembers Cobio, Kircher and MacCallum supported 9:00 PM on weekdays and 11:00 PM on weekends with controlled decibel levels.

Mayor Garcia thanked the council for their input and asked the City Attorney to draft a noise ordinance for consideration.



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**4. Council to discuss and take action on approving a 3-year contract with Consolidated Communications for business telephone and internet services.**

Mayor Garcia notified the Council that the City presently has a monthly service cost with Consolidated Communications for approximately \$142.90. If we entered a 3-year contract with Consolidated Communications our monthly charge would drop to approximately \$100.39 and there would be potential savings of \$42 per month. This is verbal contract which has an early termination fee that is pro-rated at \$4.16 per month. The City Secretary stated that she sought this change because under the present contract we are being charged a long-distance fee for any calls that do not start with 281-934. The new contract would allow no additional charges for calls anywhere in the United States as well as the monthly savings.

Mayor Garcia asked for a motion. The motion was made by Councilmember Stokes to approve the 3-year contract with Consolidated Communications, seconded by Councilmember MacCallum. The motion passed unanimously.

**5. Council to discuss and take action on contract with Verizon Wireless for cellphone services for the Mayor and City Secretary.**

Mayor Garcia shared that he was seeking approval to have City cellphone for the Mayor and City Secretary through a Texas Department of Information Resources (DIR) contract with Verizon Wireless. The City Secretary shared that as a result of Senate Bill 944 text messages relating to City business sent over phones are subject to the Public Information Act (PIA) and are required to be maintained for up to 2 years. Many municipalities and counties currently provide phones for their city secretaries so that they do not have to turn over their personal phones if there is a PIA request. The DIR would allow the city to obtain an iPhone XR 32 GB for the onetime cost of \$99.99 and Otter Box for the onetime cost of \$32.49; monthly charges would be \$39.99 per line for unlimited voice and text and 10 GB of data. The onetime charges for two phones and covers would be \$264.96. This is a month to month contract with monthly charges totaling \$79.98 which equates to an annual cost of \$959.76. This special rate is available because our Mayor is also the Emergency Management Coordinator. The City Secretary also shared that she will be able to have the land line phone directed to the City cellphone instead of having to call into the number to get messages. This will allow for better coverage for the City.

Councilmember Kircher made a motion that the City enter into the DIR contract with Verizon Wireless for 2 cellphones for the Mayor and the City Secretary. The motion was seconded by Councilmember MacCallum. The motion passed unanimously.

**6. Council to discuss and take action, if any, on Planning Commission resignation and recommendation for appointment of new member.**

Planning Commission Chair Rick MacDonald to shared with the Council that Robert Meyer had resigned stating that he unfortunately would no longer have the time to serve as due to his business requirements. Mayor Garcia stated that Robert Meyer expressed his desire to still be involved with the City events if his schedule permits.



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Mayor Garcia recommended Dr. Debleena Banjeri, a new property owner with the in the City of Pattison, who is also a Geologist to be appointed to the Planning Commission. Mayor Garcia shared that he has met with her twice, Rick MacDonald met with her and that the City Secretary has had many other communications and meetings with her as they have applied for a culvert permit and he felt she and her family will be an asset to the community.

Councilmember Kircher motioned that the Council accept the resignation of Robert Meyer and appoint Dr. Debleena Banjeri to the unexpired term of Robert Meyer's vacant position. The motion was seconded by Councilmember MacCallum. The motion passed unanimously.

- 7. Council to discuss and taken action on AN ORDINANCE OF THE CITY OF PATTISON, TEXAS AMENDING THE CITY'S FISCAL YEAR TO OCTOBER 1 THROUGH SEPTEMBER 30 BEGINNING THE CALENDAR YEAR 2020; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES, OR RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

Mayor Garcia introduced this ordinance sharing that information was in their packet regarding the timeline of the budget and wants to change the upcoming budget in 2020. This change is to put the City in line with timelines associated with assessing property taxes. The City Attorney shared that the City did not need to adopt these timelines but having them would be consistent with other municipalities and the City would benefit from support by organizations such as the Texas Municipal League which assists cities with reminders about required timelines associated with budgeting dates which can become complicated.

Councilmember Kircher moved that the City's fiscal year be changed from October 1 through September 1 for the calendar year 2020, seconded by Councilmember Stokes. The motion passed unanimously.

- 8. Council to discuss and take action on RESOLUTION SUPPORTING NATIONAL NIGHT OUT IN THE CITY OF PATTISON ON TUESDAY, OCTOBER 1, 2019**

Mayor Garcia sought a motion for this resolution. Councilmember MacCallum moved that the resolution be adopted as presented. Seconded by Councilmember Stokes. There being no discussion, the motion passed unanimously.

- 9. Council to discuss and take action on A RESOLUTION ESTABLISHING A POLICY FOR TEMPORARY CUSTODIANS HANDLING OF PUBLIC INFORMATION ON PRIVATELY OWNED DEVICES PURSUANT TO THE TEXAS PUBLIC INFORMATION ACT**

Mayor Garcia asked the City Attorney to speak to this resolution. The City Attorney shared that this policy for the City is to reiterate the Public Information Act so that when Councilmembers and City employees are transacting city business on emails, phone, Facebook or Instagram that they will be required to maintain and manage those documents. The City Attorney shared that smaller municipalities are taking screen shots



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and saving them. The City Attorney encouraged City Councilmembers to use City email. This resolution shows the City's is making a good faith effort to have Councilmember, employees, and contractors of their obligation.

Councilmember Kircher made a motion to adopt the resolution as presented, seconded by Councilmember Stokes. During discussion, Councilmember Stokes asked if the City had a records policy and procedure in place. The City Attorney stated that City is working on a formalizing a policy and procedure to be posted on our website to help with Public Information Requests. Mayor Garcia shared that the City has updated the website to provide much more information as required by state law. The City Secretary shared that she is researching possible applications that can be used to maintain text messages. In the meantime, the City Attorney stated that you could screenshot your text messages and forward them to the City Secretary for archiving. Councilmember Stokes shared that he no longer wanted to receive text messages regarding City business on his personal phone and suggested that there needed to be a long-term solution about this. Mayor Garcia called for a vote and the motion passed unanimously.

#### **10. Council to discuss and take action on A RESOLUTION DESIGNATING A REPRESENTATIVE AND ALTERNATE TO THE 2020 HOUSTON-GALVESTON AREA COUNCIL GENERAL ASSEMBLY**

Mayor Garcia shared that this is the standard resolution done every year to allow representatives to vote at the HGAC general assembly.

Mayor Garcia sought a motion to approve. Councilmember MacCallum moved that Mayor Garcia be approved as the Representative and Councilmember Stokes be approved as the alternate for the 2020 HGAC General Assembly. Seconded by Councilmember Kircher. There was no discussion and the motion passed unanimously.

#### **11. Council to discuss and take action on rescheduling the October 1, 2019 regularly scheduled City Council meeting to Tuesday, October 8, 2019 and cancelling the regularly scheduled October 15, 2019 scheduled meeting.**

Mayor Garcia shared that the Council meeting will conflict with the National Night Out event. He recommended the above action so that the Council could participate in the event.

Mayor Garcia sought a motion. Councilmember Kircher made a motion to cancel the October 1 meeting and reschedule for October 8th and cancel the October 15th meeting, seconded by Councilmember MacCallum. There being no discussion, the vote was taken, and the motion passed unanimously.

#### **12. Council to discuss and take action on scheduling the 2020 City Council meetings for the first Tuesday of the month with the Planning Commission meetings to be scheduled for the third Tuesday of the month.**

Mayor Garcia suggested once a month Council meeting on the first Tuesday of the month allowing for the Planning Commission to meet one night a month at their choosing with City Secretary support.



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Mayor Garcia sought a motion. Councilmember Kircher motioned that the City move to meetings once a month on the first Tuesday of the month allowing for the Planning Commission to select a specific meeting time of their choice, seconded by Councilmember MacCallum. The discussion that followed started with Councilmember Stokes asking moving to once a month would disrupt city business. The City Secretary shared that it should not as the City Attorney has indicated that invoice payments that are already approved in the budget can be paid at anytime in the month and reported to the Council at the next meeting. The City Secretary indicated that she can work with Councilmembers to get checks signed outside of the Council meeting and the City Attorney concurred with this as well. Councilmember Stokes asked about the Planning Commission meetings, he asked if they are posted and was concerned about a quorum at the Planning Commission meetings. The City Attorney shared that the notice of a possible quorum of the City Council could be posted for the Planning Commission meetings.

Mayor Garcia asked Planning Commission Chairman Rick MacDonald if he had input on the matter. Chairman MacDonald indicated that the first step would be to get input on the best meeting night for the members of the Planning Commission and ensure that they are aligning with Council on the priorities of the City. Councilmember Kircher as about who would drive the Planning Commission's agendas. Mayor Garcia stated that it would be responsibility of the Chair to make the agendas but that first he wanted to encourage the Planning Commission to look at our Subdivision Ordinance, then a comprehensive planning for the community and some information that the HGAC can bring out on Livable Center and Bringing Back Downtown. Mayor Garcia wants the Planning Commission to be able to bring things to the Council even if it is not directed by the Council. After discussion, the vote was taken, and the motion passed unanimously.

#### **13. Council to discuss and take action, if any, on training for Cyber Security**

Mayor Garcia stated that Cyber Security is an increasing concern for municipalities and that there may not be action required. He wanted to put the Council on notice that we will have future discussions and training will be required. He wanted to put it on the agenda but if there are any questions or concerns to bring them to him prior to the next meeting.

#### **14. Report from the City Secretary on permits, website updates and other recent activities.**

The City Secretary reported on the following

- Two permits that had been issued since the last Council meeting.
- Telephone and email inquiries to include requirements for an RV park, permitting and splitting property.
- A meeting with the Mayor and the Waller County Engineering office of Friday August 30th to better the relationship with the County on permitting and platting. Along with a follow up meeting on Friday, September 13th with them.
- 2 Public Information Requests
- Attended the TMCA Salt Grass Chapter Public Information Training Act Seminar in Stafford of Wednesday, September 11



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- Contacted Sealy Paving at Mayor's request for a pothole repair specifically targeting North Street
- Update on National Night Out activities coordinating with Heidi Gregory and looking into plaques being made by Wittenburg Press
- Notary Application process was approved – awaiting notary seal
- Looking at shirts for each Council member specially embroidered that identifies them as member of the City
- The City Engineer shared that he was having a contract pre-instruction meeting today on the Drainage Contract and that the work would start on Monday, September 23. The City Engineer did not think any rain event would stop the work starting on that Monday.
- The City is starting to receive email items regarding the Census

Councilmember MacCallum asked where we stood on transferring our email accounts to end in [pattison.texas.gov](http://pattison.texas.gov). The City Secretary stated that she had not yet made that happen due to time constraints and that she wanted to convert the City Secretary account first to see how easy or difficult the conversion would be.

Mayor Garcia also shared that he would be working with the City Secretary to begin communication with Grant Works for funding that will soon be made available by the state due to recent flooding events.

#### **15. Request from council for future agenda items and upcoming community events.**

- a. TML conference San Antonio, October 9-11, 2019

Mayor Garcia shared additional information about planning for National Night Out. Mayor Garcia plans to attend the TML Conference in San Antonio and encouraged the City Secretary and members of the Planning Commission to attend. Councilmember Stokes stated that he planned to attend.

#### **VII. Closed Session**

A closed session was not required.

#### **VIII. Adjourn meeting**

Mayor Garcia adjourned the meeting at 8:50 p.m.

Christa M. Molloy, City Secretary