

**MINUTES OF
BULLARD CITY COUNCIL REGULAR MEETING
MARCH 10, 2020**

A Regular Meeting of the City Council of the City of Bullard, Texas, was held Tuesday, March 10, 2020, 6:00 p.m. at Bullard City Hall, 114 South Phillips, Bullard, Texas, with the following present:

**Mayor: Pam Frederick
Mayor Pro Tem: Bryan Willis
Councilmember: Mark Anderson
Councilmember: Ralph Britt
Councilmember: Shirley Coe
Councilmember: David Rhodes**

**City Manager: David Hortman
City Attorney: Robert Davis
Police Chief: Gary Don Lewis
City Engineer: Brian Capps
Finance Director: Sonja Richey
Utility Director: David Wells
Code Enforcement: Danny Ray
Communication Manager: Lexie Hudson
City Secretary: Doris Crockett**

Meeting Order: Call to Order; Roll Call; Invocation; Pledge to Flag



ITEM 1: CITIZEN PARTICIPATION – NONE

ITEM 2 – PUBLIC HEARING – GAMING ORDINANCE – ADOPTED

The Public Hearing was opened to consider adoption of a Gaming Ordinance.

Attorney Robert Davis presented the Gaming Ordinance. He stated that some of the reasons for establishing the regulations was to ensure that operators of game rooms do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, burglary, robbery and crimes of violence and possibly contributing to urban blight and downgrading the quality of life in the adjacent areas.

No one else spoke during the Public Hearing.

The Public Hearing was declared closed.

On motion by Mayor Pro Tem Willis, seconded by Councilmember Coe and carried unanimously, the following captioned Gaming Ordinance was adopted:

ORDINANCE NO. 2020-0310-1

TO REGULATE THE CONDUCT OF GAME ROOMS WITHIN THE CITY BY ESTABLISHING A LICENSING AND REGULATORY PROCESS FOR GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; AND ADD AN OCCUPATION TAX; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

ITEM 3 – PUBLIC HEARING – CURFEW ORDINANCE – ADOPTED

The Public Hearing was opened to consider adoption of a Curfew Ordinance.

The Curfew Ordinance as presented was the same Ordinance that was in effect but had expired last month because of an oversight regarding being renewed prior to each third anniversary. Notice of Public Hearing was published and posted in accordance with State law

Attorney Davis questioned Bullard Police Chief Gary Don Lewis and Chief Lewis stated that it was his professional opinion that the Curfew Ordinance was a necessity and had proven not to be a hindrance but helpful in the past years and he recommended its adoption.

No one else spoke during the Public Hearing.

The Public Hearing was declared closed.

On motion by Councilmember Coe, seconded by Councilmember Anderson and carried unanimously, the following captioned Curfew Ordinance was adopted:

**ORDINANCE 2020-0310 - 2
CURFEW**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BULLARD, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF BULLARD, TEXAS BY ADDING A NEW ORDINANCE IMPOSING A CURFEW FROM 11:00 P.M. TO 6:00 A.M. ANY DAY EXCEPT FRIDAY OR SATURDAY AND 12:00 MIDNIGHT TO 6:00 A.M. FRIDAY AND SATURDAY; PROHIBITING ANY PERSONS UNDER SEVENTEEN (17) YEARS OF AGE FROM BEING IN ANY PUBLIC PLACE OR BUSINESS ESTABLISHMENT DURING CURFEW HOURS, PROHIBITING ANY PARENT OR GUARDIAN FROM PERMITTING OR ALLOWING HIS/HER CHILD OR WARD UNDER SEVENTEEN (17) YEARS OF AGE FROM BEING IN ANY PUBLIC PLACE OR BUSINESS ESTABLISHMENT DURING CURFEW HOURS;

PROHIBITING ANY BUSINESS ESTABLISHMENT FROM ALLOWING ANY PERSON UNDER SEVENTEEN YEARS OF AGE TO REMAIN UPON THE PREMISES OF SUCH ESTABLISHMENT DURING CURFEW HOURS; PROVIDING A CERTAIN EXCEPTIONS TO THE FOREGOING PROHIBITIONS; PROVIDING THAT ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$500.00, WITH EACH DAY OR PART OF A DAY DURING WHICH A VIOLATION OCCURS OR CONTINUES TO CONSTITUTE A SEPARATE OFFENSE.

ITEM 4 – AUDIT FOR YEAR ENDING SEPTEMBER 30, 2019, ACCEPTED

On motion by Councilmember Anderson, seconded by Councilmember Rhodes and carried unanimously, the Audit as prepared by Murrey, Paschall & Caperton, P.C. for year ending September 30, 2019, was accepted as presented.

ITEM 5 – MURREY, PASCHALL & CAPERTON, P.C. – PAYMENT OF INVOICES FOR 2019 AUDITS APPROVED

On motion by Councilmember Anderson, seconded by Mayor Pro Tem Willis and carried unanimously, Council authorized payment to Murrey, Paschall & Caperton in the amount of \$19,750 for preparation of City of Bullard Audit for year ended September 30, 2019, and invoice in the amount of \$4,950 for BEDCO Audit for year ended September 30, 2019, which amounts are in the contract approved October 15, 2019.

ITEM 6 – CAPCO ENGINEERING - CONTRACT AWARDED FOR PROFESSIONAL ENGINEERING SERVICES FOR PROPOSED NEW WASTEWATER TREATMENT PLANT AND SEWER MAINS

On motion by Councilmember Coe, seconded by Councilmember Britt and carried unanimously, Council approved entering into a contract with Capco Engineering for professional engineering services to construct proposed new water treatment plant and sewer mains with loan proceeds from the Texas Water Development Board Clean Water State Revolving Fund subsidized loan program.

ITRM 7 – BULLARD CHAMBER OF COMMERCE FAMILY FUN DAY – APRIL 25, 2020. RESOLUTION ADOPTED TEMPORARIY CLOSING PORTIONS OF CERTAIN STREETS

On motion by Mayor Pro Tem Willis, seconded by Councilmember Rhodes and carried unanimously, the following attached Resolution temporarily closing a portion of Emma Street from Houston Street to Phillips Street and a portion of Phillips Street from Emma Street to Main Street for the Chamber of Commerce Family Fun Day during certain hours on Saturday, April 25, 2020, and approving use of City's electricity for bounce houses and food truck and water for small sink in bathroom area: **(Attach Resolution 2020-0310)**

ITEM 8 – POLICE DEPARTMENT 2019 ANNUAL REPORT ON RACIAL PROFILING

On motion by Councilmember Anderson, seconded by Mayor Pro Tem Willis and carried unanimously, the attached Police Department 2019 Annual Report on Racial Profiling was accepted as presented by Police Chief Gary Don Lewis: (**Attach Report**)

ITEM 9 – MAY 2, 2020 GENERAL ELECTION – CERTIFICATE OF UNOPPOSED CANDIDATES PRESENTED – ORDER ADOPTED CANCELLING ELECTION AND DECLARING UNOPPOSED CANDIDATES ELECTED

City Secretary Doris Crockett presented a Certificate of Unopposed Candidates for the May 2, 2020, General Election to elect three Council Members. The three unopposed candidates are: Shirley Coe, Terry Mebane, and Bryan Willis.

On motion by Councilmember Anderson, seconded by Councilmember Rhodes and carried unanimously, the attached Order of Cancellation for General Election scheduled May 2, 2020, and declaring said unopposed candidates Shirley Coe, Terry Mebane, and Bryan Willis elected as City Council Members was adopted: (**Attach Order**)

ITEM 10 – STAFF REPORTS

The following written monthly reports had been furnished to Council in advance:

- a. Building Permits/Code Violations/Warrant Processing Report; 6 new builds in the month of February; new businesses: Kneadful Blessings in building at Main and Houston Street and Cornerstone Barber Shop on Main Street; 1344 Nate Circle has been issued Certificate of Occupancy; work continues on 506 Third Street with a detailed plan for retaining wall submitted and approved and sewer line plans submitted and approved; building related permits and inspections, solicitors and temporary use permits; growth in various subdivisions; Code violations; and processing of warrants – **Danny Ray**
- b. City Engineer Report – current and future water and sewer needs - **Brian Capps**
- c. City Manager Report – Conducted weekly department head leadership meetings; attended a TWDB financial assistance workshop with Brian Capps and Gary Burton; met with City Engineer and his staff regarding Main Street improvements; setting up meeting with NetHealth and City Attorney regarding private lift station violations on Todd Street; continuing to work with new contractors regarding structure at 506 Third Street; and attended TCMA City Management Clinic in Granbury discussing leadership and community involvement, protecting your City from cybersecurity threats, and hemp production challenges and opportunities.
- d. City Secretary Report – Completed filing deadline for May 2, 2020, Election and prepared documents and notified agencies related to cancellation of election; participated in numerous discussions with several agencies and individuals over several days regarding Smith/Cherokee County Line shown on recently adopted plat and effect of said line; attended Census Local Government Subcommittee in Tyler; continue processing paperwork associated with the Bluebonnet Point Wellness nursing home project; and processing requests, giving notice, attendance and recording of City Council Meetings,

- e. Finance Report – review of expenditures, receipts and balances since last report, including Budget summaries – **Sonja Richey**
- f. Human Resources Department Report – processed 2 payrolls; scheduled and organized AFLAC annual employee meeting; rescheduled employee access to office calendar; open records request; responded to Attorney General Office regarding employee deductions; maintained shared office calendar; processing department change information access; and related duties associated with employees and employment - **Jennifer MacWhirter**
- g. Municipal Court Report – Statistics for warrants issued, court activity and fines and fees collected – **Diana Folmar**
- h. Police Department Report - Calls for Service or Case Investigations, Traffic, Arrest, Warrants, Cases Filed and general Police activity – **Gary Don Lewis**
- i. Public Relations/Communications Department Report – usage statistics of City’s website, Facebook, Police Facebook, Instagram, Twitter, and Civic Ready; finalized Mayor’s Prayer Breakfast materials; confirmed event sponsors; held vendor meetings; worked with other department to cover for co-worker; started creating communications plan – **Lexie Hudson**
- j. Utilities Director – Monthly Work Report for Water Department, Wastewater Department, Street Department and Parks Department; routine daily checks for water and wastewater; water line leaks; patching pot holes and clearing and cleaning rights-of-way; routine daily cleaning and inspection of equipment at Parks; prepared holes for flag poles at the Bullard entrance sign on Hwy. 69; repaired roof at City Hall; called out several times on sewer stoppages due to contractors damaging sewer lines or sewer service lines; replaced discharge line on Lynch street lift station; and replaced pump at Main Street lift station – **David Wells**

Finance Director Richey reviewed the financial report.

On motion by Councilmember Coe, seconded by Councilmember Britt and carried unanimously, Staff Reports were approved as presented.

ITEM 11 – MINUTES APPROVED – FEBRUARY 11, 2020

On motion by Councilmember Anderson, seconded by Councilmember Britt and carried unanimously, City Council Minutes for the Regular Meeting February 11, 2020, were approved as presented.

ITEM 12 - EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY

Mayor Frederick announced that the Council would convened in Executive Session at 6:28 p.m. in accordance with Texas Government Code, Open Meetings Act under Section 551.071 (2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding selecting provider for emergency services (ambulance).

ITEM 13 – RETURN TO OPEN SESSION

Mayor Frederick announced that the Executive Session had concluded, and Council reconvened in Open Session at 7:10 p.m. Mayor Frederick announced that no action was taken during the Executive Session.

ITEM 14 – EMERGENCY SERVICES PROVIDER AGREEMENT – TABLED

The Council considered award of an Emergency Services contract for ambulance service.

Mr. John Smith, UT Health East Texas EMS, and Mr. Shawn Salter, Christus Mother Frances EMS, were present to answer any questions. A number of questions in the proposed contracts were addressed including indemnification, response time, termination timeframe clause, backup coverage when ambulance is called out, etc. Each representative stated that they could amend their proposed agreements as discussed and present them to the City Friday, March 13, 2020.

Dr. Andrew Bowers, UT Health physician in Bullard, and Mr. Hayden Ray, UT Health EMS, also spoke in favor of UT Health East Texas EMS capabilities.

On motion by Councilmember Britt, seconded by Councilmember Rhodes and carried with the following vote, pending receipt of updated proposed contracts to be furnished by Friday March 13, 2020, the Council voted to table the item until the City Council Meeting Tuesday, April 14, 2020:

AYES: Anderson, Britt, Coe, Rhodes
NOES: Willis

ITEM 15 – ADJOURNMENT

On motion by Councilmember Coe, seconded by Councilmember Anderson and carried unanimously, the meeting adjourned at 8:24 p.m.

PAM FREDERICK, MAYOR

A T T E S T:

DORIS CROCKETT, CITY SECRETARY