

**MINUTES OF
BULLARD CITY COUNCIL CALLED MEETING
JUNE 13, 2023**

A Called Meeting of the City Council of the City of Bullard, Texas, was held Tuesday, June 13, 2023, 6:00 p.m. at Bullard City Hall, 114 South Phillips, Bullard, Texas, with the following present:

Mayor Pro Tem: Mark Anderson
Councilmember: Glen Cowart
Councilmember: Lane McDaniel
Councilmember: Terry Mebane

City Manager: David Hortman
City Engineer: Brian Capps
Police Chief: Jeff Bragg
Police Seargent: Jeff Dokter
Finance Director: Sonja Richey
Utilities Director: David Wells
Director of Communication: Raiven Whatley
City Secretary: Doris Crockett *

**Absent: Mayor Shirley Coe and
Councilmember Chuck Redwing**

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

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ITEM 1 - CITIZEN PARTICIPATION

Mr. David Crocker, 343 Hines Crossing, was present regarding the recent implementation of water restrictions. He expressed his opinion that it seems the City has a water shortage and questioned what was being done to address those concerns. City Manager Hortman stated that the recent implementation of water restrictions was not due to a lack of water but for repair of one of the water well pumps and having to wait on receipt of parts.

**ITEM 2 – PUBLIC HEARING – FLAT CREEK ESTATES SUBDIVISION –
32.463 ACRE TRACT – THREE LAND BROS, LLC., OWNER –
SERVICE PLAN ADOPTED - ANNEXATION ORDINANCE ADOPTED**

The Public Hearing was declared open to consider annexation of a 32.463 acre tract, Flat Creek Estates Subdivision, in the William H. Steele Survey A-49, Bullard, Cherokee County, Texas, as petitioned by property owner Three Land Bros, LLC.

No one spoke and the Public Hearing was declared closed.

On motion by Councilmember McDaniel, seconded by Councilmember Cowart and carried unanimously, the attached Service Plan and captioned Ordinance annexing a 32.463 acre tract in the William H. Steele Survey A-49, south of and adjacent to West Main Street known as Flat Creek Estates Subdivision, Cherokee County, Texas, as petitioned by owner Three Land Bros, LLC, was adopted: (**Attach Service Plan**)

ORDINANCE 2023-0613-1
ANNEXING TERRITORY
32.463 ACRE TRACT – FLAT CREEK ESTATES SUBDIVISION

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BULLARD, TEXAS, SMITH AND CHEROKEE COUNTIES, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN OR AGREEMENT.

**ITEM 3: PUBLIC HEARING - FLAT CREEK ESTATES SUBDIVISION –
32.463 ACRE TRACT – THREE LAND BROS, LLC., OWNER –
ZONE CHANGE APPROVED**

The Public Hearing was opened to discuss and act on a change in zoning from “AG” Agricultural District to “R-1A” Single Family Residential District, a 32.463 acre tract in the William H. Steele Survey A-49, south of and adjacent to West Main Street known as Flat Creek Estates Subdivision, Cherokee County, Texas; which property is subject of petition filed for annexation (see Item 2) into the City of Bullard as Flat Creek Estates Subdivision – applicant Three Land Bros, LLC and adopt a Zone Change Ordinance.

David French, 821 FM 344, Bullard, was present stating that his property is adjacent to this tract and he would like to see the rear yard setbacks be greater than 25 ft. It was explained that this setback distance is governed by the Zoning Ordinance. He also mentioned an easement that he had with the previous property owner for access to his property. It was explained that that easement needed to be worked out between him and the developer and addressed on the Final Plat when it is approved.

The Planning and Zoning Commission considered this zone change request at their meeting May 30, 2023, and recommended to the Council approval of the request.

The Public Hearing was declared closed.

On motion by Councilmember Cowart, seconded by Councilmember Mebane and carried unanimously, the zone change was approved as requested and the following captioned Ordinance was adopted:

ORDINANCE NO. 2023-0613-2

AN ORDINANCE AMENDING THE CITY OF BULLARD ZONING ORDINANCE; DIRECTING THE AMENDMENT OF THE ZONING MAP; APPROVING ZONING CHANGE FROM “AG” AGRICULTURAL DISTRICT TO “R-1A” SINGLE FAMILY RESIDENTIAL DISTRICT A 32.463 ACRE TRACT IN THE WILLIAM H. STEELE SURVEY A-49, BULLARD, CHEROKEE, COUNTY, TEXAS (FLAT CREEK ESTATES SUBDIVISION); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ITEM 4 –ANNEXATION PETITION – PIONEER PROPERTIES, LLC, –
POLANA SPRINGS SUBDIVISION, UNIT 2 (VACANT LAND) –
16.287 ACRE TRACT - DEVELOPMENT AGREEMENT DECLINED –
RESOLUTION SETTING DATE OF PUBLIC HEARING FOR JULY 11, 2023**

The Council considered a petition filed June 7, 2023, requesting annexation by area landowner,

Pioneer Properties, LLC, Jason Campbell, owner for a 16.287 acre tract in the Vinson Moore Survey, Abstract 15, Smith County, Texas, being out of and a part of that certain called 34.260 acre tract described in a Special Warranty Deed from DDW, Inc. to Pioneer Properties LLC dated October 14, 2021, east of Doctor M Roper Parkway (US Hwy 69) known as Polana Springs Subdivision, Unit 2 (Previously known as Artesian Meadows).

In accordance with Chapter 43 of the Local Government Code the applicant received an offer of a Development Agreement and declined the offer.

On motion by Councilmember Cowart, seconded by Councilmember Mebane and carried unanimously, Council accepted the petition from Pioneer Properties, LLC for voluntary annexation of a 16.287 acre tract in the Vinson Moore Survey, Abstract 15, Smith County, Texas, being out of and a part of that certain called 34.260 acre tract described in a Special Warranty Deed from DDW, Inc. to Pioneer Properties LLC dated October 14, 2021, east of Doctor M Roper Parkway (US Hwy 69) known as Polana Springs Subdivision, Unit 2 (Previously known as Artesian Meadows), with the declined offer of a Development Agreement and adopted the attached Resolution setting the date for the public hearing on the proposed annexation to be Tuesday, July 11, 2023, at 6:00 p.m.: **(Attach Resolution 2023-0613-1)**

ITEM 5: ACCEPTANCE OF GIFT DEED FROM GAIL RANDALL (ROBERT G. RANDALL, JR, DECEASED) – LOT 5, BLOCK 12, GREEN VALLEY SUBDIVISION – LOT ON TODD STREET

On motion by Councilmember McDaniel, seconded by Councilmember Mebane and carried unanimously, the City Council accepted a gift deed from Gail Randall individually and as independent administrator of the estate of Robert G. Randall, Jr., deceased for Lot 5, Block 12 in the Green Valley Subdivision (lot on Todd Street) with a private lift station on City’s right of way that will allow for a new lift station on the lot to provide others the ability “go get” the sewer service.

Council Minutes

ITEM 6: ONCOR – DUGGINS WREN MANN & ROMERO, LLP – REQUEST REGARDING WAIVER OF PENALTY AND INTEREST FOR ONCOR TAXES – DENIED

The City Council had received a request from Duggins Wren Mann & Pomeroy, LLP to consider waiving Penalty and Interest for ONCOR delinquent taxes. Smith County Tax Assessor Gary Barber forwarded an email stating that they are denying this request and treating ONCOR consistent with the thousands of payments received with the same facts and circumstances this and every year and asking taxing entities to support their decision.

On motion by Councilmember Cowart, seconded by Councilmember McDaniel and carried unanimously, the City Council agreed to support the decision of the Smith County Tax Assessor Collector to deny waiving the Penalty and Interest for ONCOR delinquent taxes.

ITEM 7: EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY AND DELIBERATIONS REGARDING REAL PROPERTY FOR NEW WATER WELL AND NEW WASTEWATER PLANT

At 6:36 p.m. Mayor Pro Tem Anderson announced that the Council would convene in Executive Session in accordance with Texas Government Code Open Meetings Act under Section 551.071 Consultation with Attorney (1) (A) and (B); Section 551.072 Deliberations Regarding Real Property for new water well and new Wastewater plant and it was the consensus of Council that City Engineer Brian Capps and Larry Dixson be invited to attend.

***City Secretary Doris Crockett left when the Council adjourned for Executive Session. Remaining notes were taken by Finance Director Sonja Richey.**

ITEM 8: RETURN TO OPEN SESSION – PURCHASE OF PROPERTY AUTHORIZED

Mayor Pro Tem Anderson announced that the Executive Session had concluded, and Council reconvened in Open Session at 7:28 p.m. Mayor Pro Tem Anderson announced that no action was taken during the Executive Session.

On motion by Councilmember Cowart, seconded by Councilmember Mebane and carried unanimously, the City Council authorized City Manager David Hortman to purchase a lot needed for access to the City's property in order to drill a water well.

ITEM 9: Discuss and act upon approving staff reports:

- a. Building Permits/Code Violations Report; building related permits and inspections, solicitors and temporary use permits; growth in various subdivisions; new businesses; and Code violations – **Danny Ray**
- b. City Engineer Report – current and future water and sewer needs - **Brian Capps**
- c. City Secretary Report – Began annexation process for Polana Springs Subdivision, Unit 2 (Pioneer Properties, LLC; Continued process of annexation of Flat Creek Estates Subdivision; Processed Open Records requests; processing requests, giving notice, attendance and recording of City Council Meetings, P&Z Meeting and BEDCO Meeting; and preparation of legal documents – **Doris Crockett**

- d. Finance Report – review of expenditures, receipts and balances since last report, including Budget summaries – **Sonja Richey**
- e. Human Resources Report – Onboard new employee for Police Department; helped employee with vision insurance questions; attended TMHRA Annual Conference and TML Webinar; and Assisted Utility Billing Clerk as needed – **Maria Moreira**
- f. Municipal Court Report – Statistics for warrants issued, court activity and fines and fees collected – **Diana Folmar**
- g. Public Relations/Communications Department Report – Planning for 2023 Blast Over Bullard; Attended the BIDS End of School Year Teacher’s Luncheon and served dessert with BPD; Continuing to assist Bullard PD with new Agency Spotlight segment on social media platforms; Editing/Updating Bullard PD page on City website; Attended Republic Services Customer Appreciation Day; and Assisted in issuing Stage 3 Water Conservation Notice via social media platforms, news outlets, etc. – **Raiven Whatley**
- h. Police Department Report - Calls for Service or Case Investigations, Traffic, Arrest, Warrants, Cases Filed and general Police activity – **Jeff Bragg**
- i. 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; and sewer stoppage calls – **David Wells**

Finance Director Richey reviewed the financial report.

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

ITEM 10 – MINUTES – REGULAR MEETING OF MAY 9, 2023 – CALLED MEETING MAY 18, 2023 - APPROVED

On motion by Councilmember McDaniel, seconded by Councilmember Mebane and carried unanimously, City Council Minutes for the Regular Meeting May 9, 2023, and Called Meeting of May 18, 2023, were approved as presented.

ITEM 11 – ADJOURNMENT

Mayor Pro Tem Anderson declared the meeting adjourned at 7:40 p.m.

MARK ANDERSON, MAYOR PRO TEM

A T T E S T:

DORIS CROCKETT, CITY SECRETARY