

STATE OF TEXAS
COUNTY OF MONTAGUE
CITY OF BOWIE

On this the 10th day of December, 2018, the council convened in a regular meeting open to the public as advertised with all Councilors present.

Presiding: Mayor Burris
Councilors: Bell, Bishop, Buckmaster, Kent, Love, and Malone
City Secretary Page
City Manager Cunningham

Mayor Burris called the meeting to order at 6:00 p.m.

Public Comments

Mildred McCraw thanked all the new people on Council and wished everyone a Merry Christmas.

Items of Interest

City Offices will be closed December 24, 25, and January 1, 2019.

City Manager Report

We have finished the move into the new Customer Service Center.

Cunningham and Mayor ProTem Bell went to a Nortex Solid Waste meeting and found there are several grants we can be applying for.

Bluestem Energy Solutions came to the conclusion that our wholesale electric rate is so competitive that it would not be advisable to start a solar array at this time.

ONEOK Pipeline Company will run a 24" pipeline north to south across the western part of the county.

The line is going to be west of the Old Bowie Lake, west of town and west of Amon Carter Lake and Silver Lakes. Construction and clearing will start fairly soon.

CM has been working with Kirk Higgins and Doug Page on Emergency Management issues. Based on his observations, our Emergency Management personnel are up to speed and ready for any emergency in the future. Monday the 17th a representative from the National Weather Service will be in town for a look at our Emergency Operations Center and to educate our personnel on NWS processes.

Met with Dean Grant and Mike Tibbets from Hayter Engineering out of Paris, Texas. This firm looked at our water and wastewater facilities for ways to improve our operations. The firm did this at no cost to the city.

Water and Wastewater crews have been doing a survey for the CDBG program. This grant will help the sewer line that runs parallel to Mill Street from about Tarrant to Decatur Street and a little further South.

Biggs and Matthews from Wichita Falls are the engineers who did the initial study for the project.

CM and David Rainey met with three gentlemen from a church in Burleson who are wanting to help a citizen in Bowie living in a condemned house. We are setting up a project where we, along with other churches and citizens in Bowie, will come up with a plan to get suitable housing for this gentleman.

We are still in the process of getting fiber optic service to all the city buildings. Almost all of the cable has been run, but some of our locations have not been hooked up.

Plans have been sent to TCEQ on the Silver Lakes Pump Station. Hopefully TCEQ will give approval of the design and we can end this process.

At the end of the City Manager report, Councilor Bishop ask the final cost to remodel the new Customer Service Center. Cunningham reported that the cost was \$61,847.50, which was above the original bid of \$49,985 because they ran into some unexpected problems including an asbestos abatement. He said it was not bid because they had a quote come in under the \$50,000 threshold. Councilor Buckmaster said as soon as the City knew they went over the \$50,000 they should have stopped the work and put it out for bid.

Councilor Bishop then questioned why there was not an architect and Cunningham replied the wall was not load bearing and the roof is made of steel trusses, so they felt it was not necessary. Bishop then said we are not above the State Law, it is pretty blunt about what we are to do. Cunningham went on to explain that previous councils had wanted to build a 7-million-dollar City Hall and we had taken much less and created some extremely nice space for the finance department. Cunningham said he feels it was a pretty good deal. Bishop ask if it is okay to break the law for a good deal. Council Bishop wanted in the minutes that "Procurement Laws were broken".

Departmental Reports.

Library had a pressure test for the sewer line and it shows a leak on the outside wall. Foundation repair will begin on Friday or Saturday.

A new adult craft program will be put on quarterly at the Library.

Councilor Kent ask about the Airport hangar rent. He wondered if we were charging enough.

Cindy Roller, Community Development Director gave a report on the Christmas parade. It was one of the largest we have had. She reported that next year we will still have the Chicken and Bread Days, Sip and Stroll, and we will be adding a new event, a Food Truck Festival.

Consent Agenda Items: Approval of Minutes –November 12, 2018 Regular Meeting; Resolution 2018-30 and 2018-33- Authorizing City Manager to write off uncollected utility accounts over 15 months delinquent; Resolution 2018-31 and 2018-34 - Authorizing City Manager to write off uncollected library overdue fines over 15 months delinquent and Quarterly Financial ending September, 2018.

Councilor Love moved, with a second from Councilor Malone, to approve the Consent Agenda items as presented. Motion carried five with Councilors Bell, Buckmaster, Kent, Love, and Malone voting Aye. Councilor Bishop voted Nay.

During consent agenda Councilor Buckmaster demanded to discuss internal control issues after being denied a request to be on the agenda. Mayor Burris said we are not discussing this since it is not on the agenda. Buckmaster ask to review policies and procedures on the acquisition of cashier checks because there was a situation where it was not followed. Buckmaster then made a motion, with a second from Councilor Bishop to have this item placed on an agenda. The mayor would not call for a vote and Buckmaster preceded to ask the City Secretary to call for a vote. Sandy Page told her the mayor runs the meeting. Buckmaster told the mayor she can't not call for a vote. Once again, the mayor said she was not calling for a vote. Councilor Bishop ask this action be in the minutes.

Nortex-Mitigation Plan Project Update.

It is very important for us to continue to meet and discuss the plan as it is our pathway to grants in the future and we get in-kind dollars for meeting and discussing the Mitigation Plan. Planning should start in January. These are Federal and State Government grants. The City and County will work together on this.

Consider Engineering Services proposal from Biggs & Matthews, Inc. on the 2019-2020 TxCDBG.

Councilor Bell moved, with a second from Councilor Malone, to accept the proposal from Biggs & Matthews on the 2019-2020 TxCDBG. Motion carried six with Councilors Bell, Bishop, Buckmaster, Kent, Love, and Malone voting Aye.

Accept bid offer on a 0.84-Acre tract of land Approx. 1800' S. of Bass Lane.

Councilor Malone moved, with a second from Councilor Kent, to accept the bid offer on the 0.84-acre tract of land. Motion carried six with Councilors Bell, Bishop, Buckmaster, Kent, Love, and Malone voting Aye.

Resolution 2018-32-A resolution approving the Public Property Finance Contract in an amount not to exceed \$1,088,000. For the purpose of financing various equipment and approving other matters related thereto.

Councilor Malone moved, with a second from Councilor Love, to approve Resolution 2018-32. Motion carried with Councilors Bell, Love, and Malone voting Aye. Councilors Bishop, Buckmaster, and Kent voted Nay. Mayor Burris broke the tie by voting Aye.

Re-appointment to Library Board:

a. Debbie Eckeberger

Councilor Bishop moved, with a second from Councilor Malone, to re-appoint Debbie Eckeberger to the Library Board. Motion carried six with Councilors Bell, Bishop, Buckmaster, Kent, Love, and Malone voting Aye.

b. Charlotte Polvado

Councilor Bishop moved, with a second from Councilor Malone, to re-appoint Charlotte Polvado to the Library Board. Motion carried six with Councilors Bell, Bishop, Buckmaster, Kent, Love, and Malone voting Aye.

c. Rebecca Sikes

Councilor Bishop moved, with a second from Councilor Malone, to re-appoint Rebecca Sikes to the Library Board. Motion carried six with Councilors Bell, Bishop, Buckmaster, Kent, Love, and Malone voting Aye.

Ordinance 2018-16-An ordinance authorizing and ordering the issuance of City of Bowie, Texas Limited Tax Notes, Series 2019; specifying the terms and features of such notes; levying a continuing direct annual ad valorem tax for the payment of said notes; and resolving other matters incident and related to the issuance, sale, payment, and delivery of a paying agent/registrar agreement; and providing an effective date.

Councilor Love moved, with a second from Councilor Bell, to approve Ordinance 2018-16. Motion carried with Councilors Bell, Love, and Malone voting Aye. Councilors Bishop, Buckmaster, and Kent voted Nay. Mayor Burris broke the tie by voting Aye.

Mayor Burris called to go into Executive Session but City Attorney Jennings stated she would like it in open session.

EXECUTIVE SESSION: Pursuant to Texas Government Code Section 551.074-Personnel Matters.

1. Deliberate the employment, evaluation or duties of the City Attorney.

City Manager Cunningham said the expense of the city attorney caught his attention and also the department heads were abusing the service. He was told about a firm that specializes in municipal law so he thought it might be good to change. Councilor Bishop said Cunningham had told her she could not call the city attorney because it is costing the city about \$50,000. Bishop said Jennings' 1099 form was \$23,000. Bishop said what bothers her is taking a local business that puts money back into our town, going to an out of town firm. Cunningham also stated when he was hired Jennings spoke out against him and he thinks it is wrong for the city attorney to inject her opinion. Cunningham said he had been told that by members of council from an executive session. Jennings was ask about her interaction with the city manager and she said she had received an email and a letter stating she did not need to come to meetings and would not be paid. She was also told she does not represent the city until he or the mayor tells her. Councilor Bishop responded that the city manager has no control over the city attorney and he needs to understand he is the employee of this panel. She referred to his inexperience in the job, and the young tenure of the mayor and council adding they need an attorney present at their meetings. Cunningham stated he does not think he and the city attorney work well together and he could do better with someone else. Bishop said he was not the only one to work with her. Cunningham said the attorney issue will be on the next agenda for action. Councilor Buckmaster added he is not a member of the council or allowed to make the decision about the attorney. Cunningham said he thinks he does have the authority.

ACTION FOLLOWING EXECUTIVE SESSION: Pursuant to Texas Government Code Section 551.074-Personnel Matters.

1. Deliberate the employment, evaluation or duties of the City Attorney.

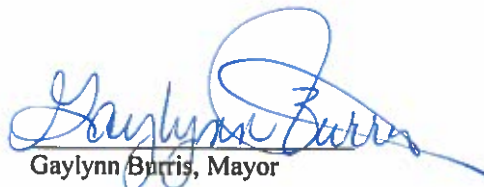
No action was taken.

Mayor Burris adjourned the meeting at 7:37 p.m.

ATTEST:



Sandy Page, City Secretary



Gaylynn Burris, Mayor