

City Council
City of Hillsboro, Texas
Minutes of Regular Meeting
April 5, 2022

Present:

Andy Smith, Mayor
Larry Lloyd, Councilmember
Frances Zarate, Councilmember
Leann Richmond, Councilmember
Scott Johnson, Mayor Pro Tem

Megan Henderson, City Manager
Tony Cain, Asst. City Manager
Richard Reinhardt, Planning Tech.
Art Mann, Econ. Dev. Administrator
Dale Snyder, Director Finance/HR
Susan Mann, Library Director
Karen S. Warren, City Secretary

Councilmembers Eric Fleming and Dana Robinson were absent.

Mayor Smith called the meeting to order at 6:01 p.m.

The Invocation was given by Rev. Kenny Kennedy of Trail to the Cross Cowboy Church and Councilmember Richmond led the Pledge of Allegiance.

Hear Statements from Persons Wishing to Address the Council.

No one addressed Council at this time.

Consent Agenda

Mayor Smith informed Council that agenda numbers 5 through 16 require no formal public hearing and are subject to being approved in a single motion. However, any City Council Member or the City Manager may remove an item from the Consent Agenda to allow discussion and voting on the item individually.

(Agenda Item #5)

Deliberate and Act on the Approval of the Minutes for the Regular Meeting on March 15, 2022.

(Agenda Item #6)

Act on the Approval of Bills.

(Agenda Item #7)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission Approving a Re-Plat of a Portion of Lot 40, Craig Addition, in the City of Hillsboro, Becoming Lot 40R-1, Craig Addition, in the City of Hillsboro, Being a Portion of the Same Property by Reference as Recorded in Volume 1483, Page 760 of the Official Public Records of Hill County, Texas. Also Known as 310 Smith Street.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: Habitat for Humanity made a request to re-plat a portion of Lot 40, Craig Addition, also known as 310 Smith Street, for the purpose of building a house.

The Planning and Zoning Commission reviewed this request at their meeting on March 28, 2022 and they forwarded their recommendation for approval.]

Resolution No. R2022-04-17

(Agenda Item # 8)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission Approving a Re-Plat of Lots 6, 8 and 10, Block 23, Rosehill Annex, in the City of Hillsboro, Becoming Lot 6-R, Block 23, Rose Hill Annex, in the City of Hillsboro, Being the Same Property by Reference as Recorded in Volume 2148, Page 705 of the Official Public Records of Hill County, Texas. Also Known as 801 Abbott Avenue.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: The new owners of the property at 801 Abbott Avenue made a request to re-plat three lots into one lot for the purpose of building a new hotel with a convenience store on the property. The Planning and Zoning Commission reviewed this request at their meeting on March 28, 2022 and they forwarded their recommendation for approval.]

Resolution No. R2022-04-18

(Agenda Item # 9)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission Approving a Re-Plat of all of Lot 5 and a Portion of Lot 6, Block 1, Dellah Buie Addition, in the City of Hillsboro, and a Tract of Land Situated in the Haywood Weatherly Survey, Abstract No. 972, Becoming Lot 5-R, Block 1, Dellah Buie Addition, in the City of Hillsboro, Being the Same Property by Reference as Recorded in Volume 671, Page 292 of the Official Public Records of Hill County, Texas. Also Known as 1409 Corsicana Highway.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: The applicant made a request to re-plat the property at the northwest corner of I-35 and Corsicana Highway for the purpose of building a Scooter's Coffee at that location. The Planning and Zoning Commission reviewed this request at their meeting on March 28, 2022 and they forwarded their recommendation for approval.]

Resolution No. R2022-04-19

(Agenda Item # 10)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission, Accepting a Final Plat, High Point at Balcones Addition in the Extra Territorial Jurisdiction (ETJ) of the City of Hillsboro on a Certain Tract of Land Being Approximately 25.95 Acres Situated in the J. A. Harlan Survey, Abstract No. 397 and Being the Same Property by Reference as Recorded in Volume 2071, Page 513 of the Official Public Records of Hill County, Texas. Also Known as the Property Fronting on HCR 3123 Between 289 HCR 3123 and 309 HCR 3123.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: A final plat was submitted for a twenty-one lot subdivision in the Extra Territorial Jurisdiction (ETJ) of the City of Hillsboro, located to the east of the City limits. While the majority of the addition is within the ETJ, a small portion extends outside of the ETJ. Since a portion extends beyond the ETJ, the County is also reviewing this subdivision. The developer has already constructed a water line in the proposed subdivision to provide water

service to each of the lots from Brandon-Irene Water Supply Corporation. This matter was presented to the Planning and Zoning Commission on March 28, 2022 to deliberate and forward their recommendation. The Commission forwarded their recommendation for approval.]

Resolution No. R2022-04-20

(Agenda Item # 11)

Deliberate and Act on a Resolution Accepting the Recommendations of the Planning and Zoning Commission, Accepting a Preliminary and Final Plat, Johns Manville Drainage Addition, in the City of Hillsboro, on a Certain Tract of Land Being 1.7619 Acres Situated in the John Ross Survey, Abstract No. 750 and Being the Same Property by Reference as Recorded in Volume 2061, Page 169 of the Official Public Records of Hill County, Texas. Also Known as the Property Extending South of Johns Manville Drive.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: A preliminary and final was submitted for the Johns Manville Drainage Addition. This matter was presented to the Planning and Zoning Commission on March 28, 2022 to deliberate and forward their recommendation. The Commission forwarded their recommendation for approval.]

Resolution No. R2022-04-21

(Agenda Item # 12)

Deliberate and Act on a Resolution Accepting the Recommendation of the Planning and Zoning Commission Approving a Meritorious Exception as Described in the City of Hillsboro Zoning Ordinance, Section 5.33.8, Submitted by Buc-ee's, Hillsboro, LLC.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: Buc-ee's Hillsboro, LLC requested a Meritorious Exception to the Sign Regulations for a 125-foot-high pole sign with 616 square feet of sign area, wall signage on all four building walls with 285 square feet per sign, and fuel canopy signs on all four sides of the fuel canopy, each sign being 71 square feet.

The sign regulations in Section 5.33 of the Zoning Ordinance allows a maximum height of 100-feet for a pole sign within 2,000 feet of the east of I-35 and a maximum area of 400 square feet. Wall signage is only allowed on the primary and secondary walls of a building, primary wall signage being 10% of the wall face with a maximum area of 200 square feet and secondary wall signage being 50% of the allowed area on the primary wall. The maximum area for fuel canopy signs is 32 square feet with signage on only two sides of the fuel canopy.

Section 5.33.8 Meritorious Exceptions and Appeals: *It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposal could be made that, while clearly nonconforming to the Article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. Upon request of an interested party, the City Council, upon recommendation by the Planning and Zoning Commission, shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section.*

The Planning and Zoning Commission met at their regular meeting, March 28, 2022 and recommended approval of this request to the City Council.]

Resolution No. R2022-04-22

(Agenda Item # 13)

Deliberate and Act on a Resolution by the City Council of the City of Hillsboro, Texas, Designating Authorized Signatories for Contractual Documents and Documents for Requesting Funds Pertaining to TxCDBG Contract No. 7220062.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: This resolution was needed to designate signatories for the City's documents associated with receiving the TxCDBG Main Street grant for sidewalk improvements in Downtown Hillsboro.]

Resolution No. R2022-04-23

(Agenda Item # 14)

Deliberate and Act on a Resolution Designating April as Fair Housing Month in the City of Hillsboro.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: This resolution was needed as part of the requirements associated with receiving the TxCDBG Main Street grant for sidewalk improvements in Downtown Hillsboro. In order to receive Community Development Block Grant funds, the City must conduct one of several allowed Fair Housing activities. This is the one recommended by our grant administrators.]

Resolution No. R2022-04-24

(Agenda Item # 15)

Deliberate and Act on a Resolution Approving a Contract With Traylor and Associates for Management Services for the 2021 Texas Community Development Block Grant for Water Improvements on Park Drive, and Authorizing the Mayor or City Manager to Execute All Necessary Documents.

[Planning Official Richard Reinhardt provided Council with the following information in the Council packets prior to the meeting: This resolution authorized the City to proceed with an administration services contract with Traylor & Associates for this project. The City selected and approved them prior to submitting the application, but now the City has been funded and will proceed with their contract.]

Resolution No. R2022-04-25

(Agenda Item # 16)

Deliberate and Act on a Resolution Approving Action to Suspend the Effective Date for 45 Days Proposed by Atmos Energy Corporation – MidTex Division, to Increase Rates Under the Gas Reliability Infrastructure Program, and Authorize the City's Continued Participation in a Coalition of Cities Know as the "Atmos Texas Municipalities."

[City Manager Megan Henderson provided Council with the following information in the Council packets prior to the meeting: The City is a member of the Atmos Texas Municipalities ("ATM") and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy. On or about February 25, 2022 Atmos Energy filed for an Increase in gas utility rates under the Gas Reliability Infrastructure Program ('GRIP'). In light of the Texas Supreme Court's opinion, the City's ability to review and effectuate a change in Atmos Energy's requested increase is limited. Nonetheless, to allow for a limited review of Atmos Energy's GRIP application, it was

recommended by the law firm that the City suspend Atmos Energy's proposed effective date of April 26, 2022 for forty-five days as allowed by state law, so that the City may evaluate whether the data and calculations in Atmos Energy's rate application are correctly done. Assuming a proposed effective date of April 26, 2022 Atmos Energy's proposed effective date is suspended until June 10, 2022.]

Resolution No. R2022-04-26

On motion by Mayor Pro Tem Johnson and second by Councilmember Richmond the consent agenda was approved for agenda items #5, #6, #7, #8 #9, #10, #11, #12, #13, #14, #15 and #16.

On roll call the following votes were cast:

Ayes: Lloyd, Zarate, Richmond, Johnson

Nays: None Absent: Fleming, Robinson

Regular Agenda

(Agenda Item # 17)

Deliberate and Act on a Resolution Accepting the Certification of Unopposed Candidates, Declaring the Unopposed Candidates for Places on the City Council Elected to Those Offices and Ordering Cancellation of the City Officers Election Scheduled to be Held on May 7, 2022.

City Secretary Karen Warren informed Council that on February 1, 2022, Council ordered the City Officers Election for May 7, 2022, for the purpose of electing three City Councilmembers for two-year terms - for Place 2, Place 4, and Place 6, Elected at Large. The candidate filing period began on January 19, 2022 and continued through 5:00 p.m. on February 18, 2022. Incumbents for Place 2, Place 4 and Place 6 filed for re-election and were all unopposed. If all candidates are unopposed, the City Secretary issues a Certification of Unopposed Candidates. The governing body then accepts the certification, declares the unopposed candidates elected and cancels the election.

Section 2.053 of the Election Code provides that the Certificate of Election shall be issued "in the same manner and at the same time" as for a candidate elected at an election. Therefore, the candidates, declared "elected" at this meeting, must wait until after the official election day of May 7, 2022 to be sworn in (even though no election is held). Candidates shall take the Oath of Office and be issued a Certificate of Election at the Regular meeting of the City Council scheduled for May 17, 2022.

On motion by Councilmember Richmond and second by Councilmember Lloyd, the resolution was approved.

On roll call, the following votes were cast:

Ayes: Lloyd, Zarate, Richmond, Johnson

Nays: None Absent: Fleming, Robinson

Resolution No. R2022-04-27

(Agenda Item # 18)

Hold a Public Hearing, Second Reading of an Ordinance, Deliberate and Act on Amending Ordinance No. O2002-12-3, Comprehensive Fee Schedule, Adopted on December 17, 2002, as Amended, by Amending Department 32, Sanitation Services.

Finance/HR Director Dale Snyder told Council that the current agreement with Republic Services for Waste Materials Management was approved on February 19, 2019. It was noted

that the agreement was for five (5) years and the end date would be in 2024. The agreement included a provision that Republic may have an automatic rate increase each year that is the rate of inflation over the previous 12 months or five percent, whichever is less. Republic submitted information that documents that the rate increase this year would be 3.61% so, it was necessary to amend the City's Rate Ordinance to implement this change. According to Mr. Snyder, the rates will go up to \$1.50 per month for the residential base rate. The following Exhibit was provided to Council in their packets prior to the meeting: Information from Republic showing dollar amounts of the change is below as "Exhibit A".

Exhibit A to Ordinance O2022-04-06

RESIDENTIAL RATES:

Residential / Curbside Service:

Residential Trash Collection & Disposal	\$13.49
Residential Recycle Collection	\$ 3.36
Residential Recycle Processing	<u>\$ 2.64</u>
TOTAL Residential Rate	\$19.49 per home/month

Residential / Backdoor Service:

Residential Trash Collection & Disposal	\$17.70
Residential Recycle Collection	\$ 3.36
Residential Recycle Processing	<u>\$ 2.64</u>
TOTAL Residential Backdoor Rate	\$23.70 per home/month

Small Commercial Curbside Service:

Comm Curbside Trash Coll. & Disposal	\$27.11
Comm Curbside Recycle Collection	\$ 3.36
Comm Curbside Recycle Processing	<u>\$ 2.64</u>
TOTAL Comm Curbside Rate	\$33.11 per business/month

Special Curbside Residential Pickup for Brush & Bulk Items:

Residential customers may make individual arrangements with Republic Services for collection of bulk or brush items that are not normally picked up on regular routes. The charge for this service shall depend on the type and amount of refuse. The minimum charge shall be \$44.28 per collection for up to 6 cubic yards.

COMMERCIAL RATES:

SIZE	1X week	2X week	3X week	4X week	5X week	6X week	Extra Lift
2 yard	91.51	163.75	233.61	304.11	375.72	447.95	85.52
3 yard	105.96	190.26	274.54	356.41	439.92	522.60	97.76
4 yard	122.82	219.16	313.09	409.41	503.31	599.65	110.00
6 yard	156.53	276.95	394.95	515.38	633.35	753.80	122.21
8 yard	187.84	329.95	474.45	616.50	761.02	903.12	134.42
6 yard Comp	257.58	455.76	649.94	848.08	1042.26	1240.42	196.48

Additional Fees: Lock Bar: \$7.11/month

Extra Yardage: \$33.84/yard

INDUSTRIAL RATES:

SIZE	Type	Delivery	Rental	Haul Rate
20 yard	Open Top	88.01	2.93	366.11
30 yard	Open Top	88.01	2.93	470.11
40 yard	Open Top	88.01	2.93	551.96
30 yard	Compactor	Negotiable	Negotiable	498.10
35 yard	Compactor	Negotiable	Negotiable	581.12
40/42 yard	Compactor	Negotiable	Negotiable	661.92

Additional Services: Relocate: \$88.01

Obstruction/Return Trip: \$88.01

With no further questions or comments from the Councilmembers, the Mayor opened the Public Hearing at 6:13 p.m. and no one spoke for or against the proposed ordinance. The Public Hearing was closed at 6:14 p.m. and the Mayor declared the second reading of the ordinance completed. The first reading on the ordinance was to be held at the March 15, 2022 Regular Council meeting.

On motion by Mayor Pro Tem Johnson and second by Councilmember Lloyd, the ordinance was approved.

On roll call, the following votes were cast:

Ayes: Lloyd, Zarate, Richmond, Johnson

Nays: None Absent: Fleming, Robinson

Ordinance No. O2022-04-06

(Agenda Item # 19)

Hear and Deliberate on a Report Regarding the Library Expansion and Conference Center Project.

Library Director Susan Mann made a PowerPoint presentation to Council regarding the library expansion and conference center project. Slides of the east side (front) and west side (back) of the current library were shown as well as a view of the West Façade and Children's Lantern. Comparison slides were shown of the current Children's Library that was described as warm but crowded and the new area with the Lantern, showcasing beautiful colors and natural light shining into the area. The new addition would connect to the current historic library with a covered walkway. Another comparison slide was of the current Genealogy Library, described as a small 308 sq. ft. overcrowded area vs. the new 2,627 sq. ft. area. The slide of the First Floor Plan Depicted the Lantern in the (kids room)/Children's and Teens Collection room, the Lobby (which will remain unchanged), Computer Lab, Reading Room, Office, Foyer and the Upper and Lower Garden on the south side of the building. The Mezzanine floor plan showcased the Teens Area and Staff Office and the Lower Level Plan depicted the Stage, Multi-use Rooms, Catering Area and Genealogy Library. Further, the remaining slides were of the Second Entrance (North Side –Gould Street which showed the handicapped ramp, a Site Plan looking down on the site of the addition to the library, the existing library and the gardens. The last slide was a view of the addition from Bond's Alley. In regards to fundraising, it was noted that Ms. Mann and grant writers have submitted around \$1.2 million in applications. So far, the Tocker Foundation out of Austin, Texas had awarded the library \$250,000 of grant funds and there were six (6) other applications in the system. Ms. Mann noted that she will have a better idea of the timeline for the project based on the grant funding received throughout the year.

(Agenda Item # 20)

Hear and Deliberate on City Manager's Report:

- a) **Street Improvements** – It was reported that the surveying was underway for the street projects and there was no estimate of how long this would take.
- b) **Water and Sewer Systems**
 - The City is moving forward with water system evaluation and will prepare procurement for the sewer system evaluation.
 - The City was notified that there is a drought watch in effect and citizens were asked to voluntarily take steps to reduce water usage by 5%.
 - The Aquilla Water Supply District customers are aware of significant water needs
- c) **Communication and Citizen Involvement**
 - The City Manager is pleased that the City Boards and Commissions continue to be energetic and engaged.
 - The Department of Public Safety is preparing for the citywide cleanup day on April 23rd and it was noted that volunteers are needed. Citizens were asked to call attention to public areas in need of cleaning.
- d) **Strategic Planning**
 - The draft vision, mission and values statements are ready for Council review
 - Work is currently underway to schedule dates for the final ½ day workshop
 - Plans are to move forward with comprehensive planning

Hold a Closed Session Under the Provisions of Section 551.072 of Government Code (Deliberations Regarding Real Property) and Section 551.087 (Economic Development).

The Mayor announced the City Council would begin its Closed Sessions at 6:35 p.m. with all Councilmembers present except Councilmembers Fleming and Robinson.

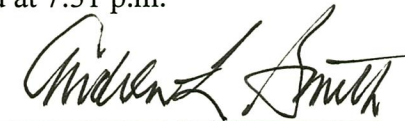
Reconvene in Open Session.

The Council reconvened at 7:30 p.m. with all Councilmembers present except Councilmembers Fleming and Robinson.

Deliberate and Act on Matters Discussed in the Executive Session, If Any.

No action was taken.

There being no further business, the meeting was adjourned at 7:31 p.m.



Andrew L. Smith, Mayor

ATTEST:



Karen S. Warren, City Secretary