August 13, 2019

The City Council of the City of Clyde, Texas, met in a Regular Meeting at Clyde City Hall, 222 Oak Street, Clyde, Texas on August 13, 2019 at 7:00 p.m. with Mayor Pro Tem Steve Kniffen presiding. Councilmembers present: Steve Kniffen, J. W. Schlee, Larry Smedley, Tammie Coffman and Richard Sheffield.

Staff present: City Administrator Mike Murray, City Secretary Connie Thornton, Director of Community Services Terry Davis, Public Information Specialist Nancy Woods, Police Chief Robert Dalton, Librarian Linda Cavanaugh, Code Officer Mike Moffitt and Lake keeper Richard Strange.

An open meeting was held concerning the following subjects:

1.0  **CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

At 7:01 p.m., Mayor Pro Tem Kniffen called the meeting to order and announced a quorum was present.

2.0  **INVOCATION**

Given by Mayor Pro Tem Steve Kniffen.

3.0  **PLEDGES TO U.S. AND TEXAS FLAGS**

All – led by Mayor Pro Tem Steve Kniffen

4.0  **COUNCIL ANNOUNCEMENTS**

Councilmember Smedley updated the council on the cemetery. He stated they have begun using the grindings from I-20 for the roads in the new cemetery. They are rough right now but will be levelled and packed. If there is any material left over it will be used in the old cemetery. He said the community service worker he has continues to do a great job.

5.0  **PUBLIC COMMENTS**

Mayor Pro Tem Kniffen opened public comments at 7:05 p.m.

Mike Houston, 502 Ridgeway, Clyde, Texas wanted to commend the city, Gray Electric and Richard Sheffield on the 4th of July fireworks. He also wanted to voice that he thought 2% pay increases for the employees may be a little low. They must work out in the elements and some even have to go under houses like animal control workers. Also wanted to let the council know the roads on Ridgeway have many potholes and need some work
Vicki Whiteaker, 304 Oak St., Clyde, Texas wanted to ask the council about extending their backyard toward 3rd street and what the process was to do that since it would be in the city’s right of way or if it was even possible. Mike Murray asked Ms. Whiteaker to come by City Hall and visit with him.

As there were no other public comments Mayor Pro Tem Kniffen closed the public comments at 7:11 p.m.

At the request of Murray item 8.5 moved up for the purpose of being able to get it in the paper before the deadline.

8.5 Murray stated the council needs to set the proposed tax rate and set two public hearings for the tax rate. Murray proposed leaving the tax rate the same as last year. Schlee asked if the council decided to leave it the same how much extra revenue would it generate for the city? Murray stated approximately $45,000.00. Sheffield voiced concerns about the county just going up on people’s property values as they see fit. Smedley stated homes have gone up in value and if the homeowner were to sell, they would receive the increased rate in price of the house. Kniffen stated if the value of the home does go up the homeowner should expect taxes to increase to accommodate property value. Smedley stated that homeowners have the right to go to the county and contest any increase they receive on property values. Sheffield said many people didn’t contest the increase with the county and even if we leave it the same as last year it will be an increase due to property values. Smedley stated anyone who feels like their increase was unjust should go to the county and contest.

*Schlee moved and Smedley seconded to set the PROPOSED TAX RATE $0.700000 per $100, effective tax rate $0.673884 per $100 and the rollback tax rate $0.728448 per $100. Motion passed 4 to 1 with Sheffield voting against.*

*Smedley moved and Coffman seconded to hold two public hearing on the tax rate, the first one being August 20, 2019 at 7 p.m. and the second one being August 27, 2019 at 7 p.m. Motion carried unanimously.*

6.0 CONSENT AGENDA

*Smedley moved and Schlee seconded to approve the minutes of June 25, 2019 as printed. Motion carried unanimously.*
7.0  PUBLIC HEARINGS

7.1  Mayor Pro Tem Kniffen read the public hearing and opened it at 7:23 p.m.

As there were no comments Kniffen closed the public hearing at 7:24 p.m.

7.2  Mayor Pro Tem Kniffen read the public hearing and opened it at 7:25 p.m.

Kniffen read an email that a citizen sent in favor of the juvenile curfew.

As there were no other comments Kniffen closed the public hearing at 7:26 p.m.

8.0  REGULAR AGENDA

8.1  Michael Moffitt, Code Enforcement Officer, addressed the council. Moffitt said the property at 319 North 3rd was tabled at the January meeting because Mr. Ford, the property owner, addressed the council stating he was going to clean it up. Mr. Ford has since sold this property and the new owner has been taking care of it. The property at 310 Oak is listed as a substandard structure. The Whiteaker’s who live in front of the property have been doing some clean-up on this property and were wanting to buy it, however the note for 310 Oak is lumped in with another property at 317 North 4th Street. So, they are not sure if they are going to be able to purchase the 310 Oak Street. Whiteaker said there is a concrete slab on the property that he could use some help removing. Schlee stated the property owners should be doing the clean-up. The property located at 528 Oriole is a dangerous property Moffitt stated. The owner is deceased and there are no apparent heirs. Kniffen questioned if the taxes were currently paid. Moffitt said they were not however there is some legal issues because the house is homesteaded.

Schlee moved and Coffman seconded to demolish 310 Oak Street and bring in dirt upon completion. Motion carried unanimously.

Sheffield moved and Schlee seconded to untable the property at 319 North 3rd street and dismiss the case. Motion carried unanimously.

Schlee moved and Smedley seconded to declare 528 Oriole a substandard structure. Motion carried unanimously.

Schlee moved and Smedley seconded to order the demolition of 528 Oriole. Motion carried unanimously.
8.2 Murray stated the juvenile curfew ordinance is already on the books and has been a useful tool. Our attorney just updated the ordinance. Kniffen asked how many tickets have been given and Chief Dalton responded 2 this year and 3 last year. Just having the ordinance is a deterrent but it also gives the officers a tool to get kids off the street if they need to.

_Smedley moved and Schlee seconded to adopt_ AN ORDINANCE OF THE CITY OF CLYDE, TEXAS, REPEALING AND REPLACING ORDINANCE 2016-003; ESTABLISHING A JUVENILE CURFEW IN THE EVENING AND DURING SCHOOL DAYS; DEFINING PARENTAL RESPONSIBILITIES; PROVIDING FOR EXCEPTIONS; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion carried unanimously.

8.3 Murray stated the cities use to have jurisdiction over the rates, etc. with utility companies but over the years the cities have lost some of that say, so they have banded together, and we have lawyers who deal with this on our behalf. Kniffen stated it always seem to come out in our favor.

_Schlee moved and Smedley seconded to adopt_ A RESOLUTION OF THE CITY OF CLYDE TEXAS FINDING THAT AEP TEXAS INC.’S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. Motion carried unanimously.

8.4 Kellie Batangan with Citizens EMS presented the council with the EMS contract for 2019-2020. She stated she did a projection of the number of calls they think Clyde residents will use. Schlee stated since he has joined the EMS Board, he realizes how frugal they are with their monies. Murray stated the EMS services that are provided are fantastic, they do an excellent job and are a huge asset for our community.

_Sheffield moved and Coffman seconded to approve the EMS Contract for the 2019-2020 fiscal year as written._ Motion carried unanimously.

8.5 Moved up in the agenda.

8.6 Murray stated it is required to order and election every year.

_Schlee moved Smedley seconded to order an Election for the General Election of November 5, 2019._ Motion carried unanimously.
9.0 CITY ADMINISTRATOR REPORT

Murray informed the council the City of Abilene have gone up on our water rates again. The increase this time is .85 cents per thousand gallons. A test of the Code Red System was performed, and it worked out very well. The system will give a very thorough report on how many people were reached each time it is used. Coffman submitted her “wish list” for the budget. Coffman asked Murray if we were working on the property on 430 Oak because it was in dire need of some work. Smedley asked who owned the house and Murray said he wasn't sure but would check on that address. Coffman also stated many of the houses on Oak Street were looking very good.

10.0 EXECUTIVE SESSION
(The Council may enter into Closed or Executive Session to discuss the following:)

10.1 Convene into Closed Meeting pursuant to the provisions of Chapter 551, Government Code, Vernon’s Texas Codes Annotated, in accordance with the Authority contained in . . .


The council entered into Executive Session at 7:55 p.m.

The council returned to Open Session at 8:48 p.m.


Sheffield moved and Smedley seconded to approve the August 13, 2019 contract for the Municipal Court Judge as written. Motion carried unanimously.

Smedley moved and Schlee seconded to approve the November 12, 2019 contract for the Municipal Court Judge as amended. Motion carried unanimously.

Schlee moved and Coffman seconded to approve the contract for the City Administrator as amended. Motion carried unanimously.
11.0 FINANCIAL STATEMENT

The July 31, 2019 Financial Statement Summary was available to Council for review. There were no questions or comments.

12.0 ADJOURNMENT

* Coffman moved and Sheffield seconded to adjourn the meeting at 8:56 p.m. Motion carried unanimously. *

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Steve Kniffen, Mayor Pro Tem

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Connie Thornton, City Secretary