



CITY COUNCIL AGENDA

Tuesday, September 06, 2022 at 6:00 PM

City Hall – Council Chambers, 200 North Fifth, Crockett, TX 75835

Dr. Ianthia Fisher, Mayor

Gene Caldwell, Council Member
Darrell Jones, Council Member
Ernest Jackson, Council Member
Marquita Beasley, Council Member
Mike Marsh, Mayor Pro Tem

John Angerstein, City Administrator
Mitzi Stefka, City Secretary
William Pemberton, City Attorney
Clayton Smith, Police Chief
Jason Frizzell, Fire Chief

Notice is hereby given of a meeting of the City Council of Crockett to be held on **TUESDAY, SEPTEMBER 6, 2022 at 6:00 PM** at City Hall – Council Chambers, 200 North Fifth, Crockett, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

OPEN MEETING WITH INVOCATION AND PLEDGE

RECOGNITION OF VISITORS

COMMENTS FROM AUDIENCE OR COUNCIL *(At this time, anyone will be allowed to speak on City related matters only; no personal matters or matters under litigation will be allowed. The length of time may not exceed three (3) minutes. NO Council discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

APPROVAL OF MINUTES

1. REGULAR SESSION - AUGUST 15, 2022

REPORTS

2. MAYOR'S RECOGNITION OF CROCKETT HIGH SCHOOL FFA MEMBERS

BUSINESS

3. CONSIDER AND APPROVE AN ORDINANCE AMENDING CHAPTER 19, UTILITIES, OF THE CROCKETT CODE; AMENDING SECTION 19-37(a), INCREASING THE RATES FOR RESIDENTIAL AND COMMERCIAL WATER SERVICE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE
4. CONSIDER AND APPROVE AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS AMENDING CHAPTER 10, GARBAGE AND TRASH OF THE CROCKETT CODE; AMENDING SECTION 10-21, REQUIRING ALL LOOSE REFUSE AND KITCHEN GARBAGE TO BE PLACED INSIDE GARBAGE BAGS; AMENDING SECTION 10-29, RATES GENERALLY TO CHANGE THE RATES; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE
5. CONSIDER AND APPROVE LEASE AGREEMENT WITH SOUTHPINE ANIMAL HOSPITAL AND AUTHORIZE MAYOR FISHER TO ACT ON BEHALF OF THE CITY IN ALL MATTERS RELATED TO THE AGREEMENT
6. REVIEW PROPOSALS FROM QUALIFIED FIRMS OF CERTIFIED PUBLIC ACCOUNTANTS TO PERFORM A FORENSIC AUDIT OF THE CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION AND APPROVE THE SELECTION OF FIRM
7. CONSIDER AND APPROVE ISSUING A NOTICE OF AWARD TO SELECTED AUDITING FIRM; APPROVE AUTHORIZING MAYOR FISHER TO ACT ON BEHALF OF THE CITY OF CROCKETT IN ALL MATTERS RELATED TO CONTRACT; AND TO APPROVE SOURCE OF FUNDING

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Crockett will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Mitzi Stefka, City Secretary, at 936-544-5156.

CERTIFICATION

I certify that a copy of the September 6, 2022 agenda of items to be considered by the Crockett City Council was posted for viewing at Crockett City Hall on September 2, 2022 at 9:30 AM.

Mitzi Stefka, City Secretary

I certify that the agenda items to be considered by the City Council was removed from the City Hall window on the ____ day of _____, 2022. _____ Title _____

MINUTES OF THE CROCKETT CITY COUNCIL MEETING HELD ON THE 15th DAY OF AUGUST 2022 IN THE CITY HALL COUNCIL CHAMBERS, LOCATED AT 200 NORTH FIFTH IN THE CITY OF CROCKETT, HOUSTON COUNTY TEXAS AT 6:00 P.M.

THE COUNCIL MET IN REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT: IANTHIA FISHER, GENE CALDWELL, ERNEST JACKSON, MARQUITA BEASLEY & MIKE MARSH. CITY OFFICIALS PRESENT: CITY SECRETARY MITZI STEFKA, CITY ADMINISTRATOR JOHN ANGERSTEIN, POLICE CHIEF CLAYTON SMITH AND FIRE CHIEF JASON FRIZZELL. DARRELL JONES NOT PRESENT.

OPEN MEETING WITH INVOCATION AND PLEDGE

Mayor Fisher called the formal session open. Council member Jackson gave the invocation and all joined in the pledge.

RECOGNITION OF VISITORS

Mayor Fisher recognized all visitors present.

COMMENTS FROM AUDIENCE OR COUNCIL *(At this time, anyone will be allowed to speak on City related matters only; no personnel matters or matters under litigation will be allowed. The length of time may not exceed three minutes. NO Council discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)*

- Sherald Wood – CEIDC budget for Fiscal year 2023
- Chari Townsend – public information requests – CEIDC

1. APPROVAL OF MINUTES: REGULAR SESSION: AUGUST 1, 2022

Mayor Pro Tem Marsh made a motion to approve the minutes of the August 1, 2022 Regular Meeting. Council member Beasley seconded the motion. Motion passes 4-0.

2. POLICE DEPARTMENT MANPOWER & CRIMINAL INCIDENT REPORT FOR JULY 2022

Chief Smith reported for the month of July 2022; 13 total manpower, 2442 total manpower hours, 549 total calls and 8 total accidents. A breakdown of the criminal reports is included in the packets.

3. FIRE DEPARTMENT MONTHLY ACTIVITY & STATUS REPORT FOR JULY 2022

Fire Chief Frizzell reported for the month of July 2022 the following: 41 total calls. A breakdown is included in the packets.

4. PUBLIC HEARING ON REQUEST FOR A SPECIFIC USE PERMIT FROM JEFFREY W. DARST OF POSSUM GRAPE II, LLC TO ALLOW DISTRICT C-3 HORIZONTAL MIXED COMMERCIAL AND RESIDENTIAL USE OF THE BUILDING LOCATED AT 205 E. GOLIAD, CROCKETT, TEXAS 75835, ALSO KNOWN AS HOUSTON

COUNTY APPRAISAL DISTRICT PARCEL 76. LEGAL DESCRIPTION: LOT 43, BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT IN HOUSTON COUNTY, TEXAS BEING THE SAME PROPERTY CONVEYED TO EARL P. ADAMS BY JUNE A. AMACKER ET AL BY DEED DATED JULY 5, 1966, RECORDED IN VOLUME 423, PAGE 116, HOUSTON COUNTY DEED RECORDS. SAVE AND EXCEPT: THE WEST 6 FEET OF LOT 43, BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT, HOUSTON COUNTY, TEXAS HAVING BEEN CONVEYED TO THE MAGNOLIA PETROLEUM COMPANY BY INSTRUMENT RECORDED IN VOLUME 115, PAG 315 OF THE DEED RECORDS OF HOUSTON COUNTY, TEXAS. FURTHER SAVE & EXCEPT: THE WEST 24 FEET OF LOT NO. 43 BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT, HOUSTON COUNTY TEXAS HAVING BEEN CONVEYED BY ROBERT RICE THOMPSON TO HELEN J. BRENNER BY DEED DATED JULY 12, 2006 AND RECORDED UNDER DOCUMENT #066186 OF THE OFFICIAL RECORDS OF HOUSTON COUNTY, TEXAS

Mayor Fisher opened the public hearing. Mr. Angerstein noted that Planning & Zoning had approved this request. No public comments. Mayor Fisher closed the public hearing.

5. CONSIDER AND APPROVE A REQUEST FOR A SPECIFIC USE PERMIT FROM JEFFREY W. DARST OF POSSUM GRAPE II, LLC TO ALLOW DISTRICT C-3 HORIZONTAL MIXED COMMERCIAL AND RESIDENTIAL USE OF THE BUILDING LOCATED AT 205 E. GOLIAD, CROCKETT, TEXAS 75835, ALSO KNOWN AS HOUSTON COUNTY APPRAISAL DISTRICT PARCEL 76. LEGAL DESCRIPTION: LOT 43, BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT IN HOUSTON COUNTY, TEXAS BEING THE SAME PROPERTY CONVEYED TO EARL P. ADAMS BY JUNE A. AMACKER ET AL BY DEED DATED JULY 5, 1966, RECORDED IN VOLUME 423, PAGE 116, HOUSTON COUNTY DEED RECORDS. SAVE AND EXCEPT: THE WEST 6 FEET OF LOT 43, BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT, HOUSTON COUNTY, TEXAS HAVING BEEN CONVEYED TO THE MAGNOLIA PETROLEUM COMPANY BY INSTRUMENT RECORDED IN VOLUME 115, PAG 315 OF THE DEED RECORDS OF HOUSTON COUNTY, TEXAS. FURTHER SAVE & EXCEPT: THE WEST 24 FEET OF LOT NO. 43 BLOCK NO. 35, ORIGINAL TOWN OF CROCKETT, HOUSTON COUNTY TEXAS HAVING BEEN CONVEYED BY ROBERT RICE THOMPSON TO HELEN J. BRENNER BY DEED DATED JULY 12, 2006 AND RECORDED UNDER DOCUMENT #066186 OF THE OFFICIAL RECORDS OF HOUSTON COUNTY, TEXAS

Council member Jackson made a motion to approve a request for a specific use permit from Jeffrey W. Darst of Possum Grape II, LLC to allow District C-3 Horizontal Mixed Commercial and Residential use of the building located at 205 E. Goliad, Crockett, Texas 75835, also known as Houston County Appraisal District Parcel 76. Legal description: Lot 43, Block No. 35, original town of Crockett in Houston County, Texas being the same property conveyed to Earl P. Adams by June A. Amacker ET AL by deed dated July 5, 1966, recorded in Volume 423, Page 116, Houston County Deed Records. Save and except: the West 6 feet of Lot 43, Block No. 35, original town of Crockett, Houston County, Texas having been conveyed to the Magnolia Petroleum Company by instrument

recorded In Volume 115, Pag 315 of the Deed Records of Houston County, Texas. Further save & except: the West 24 feet of Lot No. 43 Block No. 35, original town of Crockett, Houston County Texas having been conveyed by Robert Rice Thompson to Helen J. Brenner by deed dated July 12, 2006 and recorded under Document #066186 of the official records of Houston County, Texas. Mayor Pro Tem Marsh seconded the motion. Motion passes 4-0.

6. PUBLIC HEARING ON PROPOSED BUDGET OF THE CITY OF CROCKETT FOR THE 2022-2023 FISCAL YEAR

Mayor Fisher opened the public hearing. Mr. Angerstein noted that this is the same budget presented and discussed last month, it has been placed in the foyer for viewing and the public hearing has been published in the newspaper. This budget funds the pay increase for employees as well as funds two additional full-time firefighters. No comments. Mayor Fisher closed the public hearing.

7. CONSIDER AND APPROVE AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT OF THE CITY OF CROCKETT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; APPROPRIATING MONEY TO SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF CROCKETT FOR FISCAL YEAR 2023

Mayor Pro Tem Marsh made a motion to approve an Ordinance making appropriation for the support of the City of Crockett for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023; appropriating money to Sinking Fund to pay interest and principal due on the City's indebtedness; and adopting the annual budget of the City of Crockett for Fiscal Year 2023. Council member Beasley seconded the motion. Motion passes 4-0.

8. PUBLIC HEARING ON 2022 TAX RATE

Mayor Fisher opened the public hearing. Mr. Angerstein stated the tax rate will be set at the De Minimis Rate of .06813. This is the rate that will fund the budget just approved. It covers the City's debt, overall budget, as well as funding the pay increase for employees. It will bring in an additional \$500,000 over last year's budget, with that revenue funding the personnel costs only. Buddy Clonts spoke against the increase. Sherald Woods spoke in favor. Mayor Fisher closed the public hearing.

9. CONSIDER AND APPROVE AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF CROCKETT FOR FISCAL YEAR 2023; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME BECOME DELINQUENT IF NOT PAID

Council member Beasley made a motion to approve an Ordinance levying ad valorem taxes for use and support of the municipal government of the City of Crockett for Fiscal Year 2023; providing for apportioning each levy for specific purposes; and providing

when taxes shall become due and when same become delinquent if not paid. Council member Jackson seconded the motion. Motion passes 4-0.

10. **CONSIDER AND APPROVE 2022 TAX ROLL**

Council member Jackson made a motion to approve the 2022 Tax Roll. Council member Caldwell seconded the motion. Motion passes 4-0.

11. **CONSIDER AND APPROVE 2022-2023 FISCAL YEAR BUDGET FOR THE CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION**

Mr. Gentry presented council with the 2022-2023 budget and explained he has made adjustments in terms of how to report and eliminating the statement regarding the draw note that was approved by the city of \$600,000.00, which was used for business prospects and incentives. This is a flat budget with some cost of living improvements and impacts from higher fuel costs. Several prospect incentives have been addressed in this budget as well. Mr. Gentry went over line items with council and stated the budget is well under the total projections for the year. Council member Caldwell ask why the gas line is part of the prospect incentive line item. Mr. Gentry stated this was recognized several years ago, to construct an industrial gas line for future prospects to the Industrial Park. Mayor Pro Tem Marsh ask Mr. Gentry if there should be a commitment before installing this gas line. Council member Beasley stated that the cost of the gas line was not included in the budget presented. Council members discussed and questioned the placement of several line items in the budget. After discussion; Council member Jackson made a motion to approve the 2022-2023 fiscal year budget for the Crockett Economic & Industrial Development Corporation as presented pending the need for prospect incentives such as the gas line and roof repair as line items in capital expenditures, to come back before council. Council member Beasley seconded the motion. Motion passes 3-1. Council member Caldwell votes against the motion.

12. **EXECUTIVE SESSION: GOV. CODE SECTION 551.072 - DELIBERATION REGARDING REAL PROPERTY. TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY**

13. **EXECUTIVE SESSION: GOV. CODE SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATION**

Mayor Fisher stated council would convene into Executive Session: Gov. Code Section 551.072 – Deliberation Regarding Real Property. To Deliberate the Purchase, Exchange, Lease, or Value of Real Property; and Gov. Code Section 551.087 - Deliberation Regarding Economic Development Negotiation. Time was 7:05 P.M.

RECONVENE INTO REGULAR SESSION AND CONSIDER ACTION, IF ANY, ON EXECUTIVE ITEMS

Council was reconvened into open session. Time was 8:00 P.M.

Item #12 - Council member Beasley made a motion to grant Mr. Angerstein authority to negotiate and bid on the real property discussed. Council member Caldwell seconded the motion. Motion passes 4-0.

Item #13 – Council member Beasley made a motion to approve the incentive agreement for the Early Morning Project with the exception of increasing the dollar amount as discussed. Council member Jackson seconded the motion. Motion passes 4-0.

ADJOURNMENT

Without objection, Mayor Fisher adjourned the meeting at 8:02 P.M.

Dr. Ianthia Fisher, Mayor

ATTEST:

Mitzi Stefka, City Secretary

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 19, UTILITIES, OF THE CROCKETT CODE; AMENDING SECTION 19-37(a), INCREASING THE RATES FOR RESIDENTIAL AND COMMERCIAL WATER SERVICE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Section 19-37(a) of the Crockett Code is hereby amended to read as follows:

Sec. 19-37(a). Water rates.

(a) The monthly rates or charges for service furnished by the city's water works system inside the city limits shall be as follows:

- (1) The rates for residential water shall be twenty four dollars and sixty seven cents (\$24.67) base rate, plus fifty four and nine-tenths cents (\$.549) per hundred gallons used.
- (2) The rates for commercial water shall be thirty four dollars and seventy one cents (\$34.71) base rate, plus fifty four and nine-tenths cents (\$.549) per hundred gallons used.
- (3) Rates for water service outside the city limits shall be two (2) times those inside the city limits.

SECTION II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV: Effective Date.

This Ordinance shall take effect _____, 2022.

PASSED AND ADOPTED this _____ day of _____, 2022 at a regular meeting of the City Council of the City of Crockett, Texas.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY

WILLIAM R. PEMBERTON,
CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS AMENDING CHAPTER 10, GARBAGE AND TRASH OF THE CROCKETT CODE; AMENDING SECTION 10-21, REQUIRING ALL LOOSE REFUSE AND KITCHEN GARBAGE TO BE PLACED INSIDE GARBAGE BAGS; AMENDING SECTION 10-29, RATES GENERALLY TO CHANGE THE RATES; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Section 10-21 of the Crockett Code is hereby amended to read as follows:

Section 10-21. Ninety-Five Gallon Carts, and Garbage Bags Required.

(A) All residential solid waste must be placed for collection in 95-gallon carts provided by the private contractor collecting solid waste for the City.

(B) All loose refuse and kitchen garbage must be placed inside garbage bags placed in the 95-gallon carts. No loose garbage is permitted inside the carts.

SECTION II:

Section 10-29 of the Crockett Code is hereby amended to read as follows:

Section 10-29. Rates.

The rates charged for collecting solid waste in the City shall be as follows:

RESIDENTIAL TRASH RATES

Collection of Trash with 95 Gallon Cart

One time per week, at \$21.37 per home (unit) per month.

Each additional cart for one time per week collection, at \$5.70 per home (unit) per month.

Pick up of vegetative debris with a crew (includes limbs, leaves, etc.), at \$26.50 per yard.

Up to two (2) large bulky items (such as furniture, mattress)

or three (3) thirty (30) gallon bags picked up at curbside each week for all regular customers at no additional cost.

*Must call the private contractor at (800) 324-2092 an schedule pickup time before placing outside.

**Must be occasional and not a regular occurrence.

COMMERCIAL FEES

Commercial Hand Collection two Times Per Week With a 95 Gallon Cart, at \$30.74 monthly.

Bin Size Frequency Per Week

<u>Cubic</u>	<u>Monthly Rates</u>				
<u>Yard</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
2	\$71.02	\$121.90	\$175.96	\$232.14	\$277.72
4	\$118.72	\$217.30	\$316.94	\$422.94	\$515.16
6	\$172.78	\$303.16	\$444.14	\$587.24	\$725.04
8	\$217.30	\$435.66	\$657.20	\$872.38	\$1090.74

8/Cardboard dumpster, \$37.10

* Cardboard is dependent upon having a legitimate recycle facility within 50 miles

City carts and/or commercial rear load containers will be free of charge.

Dumpster lock service fee is \$10.60 per month.

Set of casters is \$0 per month.

Opening and closing of enclosures is \$0 per month.

COMMERCIAL CARDBOARD

\$37.10 per month per business. Commercial cardboard will be picked up by the private contractor once per week and delivered to a recycle facility within fifty (50) miles, if available.

COMMERCIAL DUMPSTERS

Bin Size Frequency Per Week

<u>Cubic</u>	<u>Monthly Rates</u>
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<u>Yard</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
2	\$71.02	\$121.90	\$175.96	\$232.14	\$277.72
4	\$118.72	\$217.30	\$316.94	\$422.94	\$515.16
6	\$172.78	\$303.16	\$444.14	\$587.24	\$725.04
8	\$217.30	\$435.66	\$657.20	\$872.38	\$1090.74

8/Cardboard dumpster, \$37.10

SECTION II: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III. Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED this _____ day of _____, 2022 at a regular meeting of the City Council of the City of Crockett, Texas, and effective November 1, 2022.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY

APPROVED:

WILLIAM R. PEMBERTON,
CITY ATTORNEY