

STATE OF TEXAS
COUNTY OF MONTAGUE
CITY OF BOWIE

On this the 14th day of June, 2021, the council convened in a regular meeting open to the public as advertised with four Councilors present. Councilors Gunter and Love were absent.

Presiding: Mayor Burris
Councilors: Bates, Bell, Hefley, and Higgins
City Secretary Page
City Manager Cunningham
City Attorney Rotramble

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

INVOCATION

Invocation was given by Pastor John Little.

ITEMS OF COMMUNITY INTEREST

The BMX Bike Track was a huge success with about 1,000 in attendance.

City Offices are working on a green space in the front of the building.

There will be a clean up at Selma Park Tuesday night from 5:30 – 7:30 p.m.

June 19th starts the Jim Bowie Days week of events.

Movie night is this Friday and The Book Thief will be showing.

CITY MANAGER REPORT

Still working with FEMA on the February Freeze. They have informed us they will not pay our fuel bill for the electricity during the freeze. They want a break down of electric usage to buildings utilized during the disaster. This will include all city buildings, Community Center, City Hall, Fire Department, Police Department, Street Department, Water and Sewer Departments, Water plant, Sewer plant, and I am also going to include other necessary buildings (ie) the rest home, assisted living buildings, medical clinics, and other “necessary” buildings. They are really a headache to work with and they make decisions to NOT give away money very easily.

We are getting ready to close on the TWDB loan. It’s been like borrowing money for a house. Tons of paperwork. The loan will officially close on June 24 and we will begin by paying bills from the proceeds of the loan to the parties who worked with us to get the loan. I found out last week that the TWDB is going to make us do an environmental study for the sewer lines construction. The engineers had initially told us that since we are basically going right next to our old sewer lines that we would not have to do the study but they have now decided that we will have to do it, which will take about 30 to 60 days. The engineers are already working on the design work and this will add to their duties.

I have been watching webinars on the so-called American Rescue Plan from the Biden Administration on how we can use the money that they say is coming. The money had to be sent to the State of Texas by June 14. The state has a limited time that they can take sending the money to us. Infrastructure projects (water & sewer) are acceptable, loss of funds replacement is acceptable, and other items related to Covid-19. I still don’t know how much money we will get, but with your permission, I think I can use the money to remodel the police station and have enough left over to purchase a much needed back hoe for the water and sewer department.

Consent Agenda Items: Approval of Minutes –May 24, 2021 Regular Meeting.

Councilor Bates moved, with a second from Councilor Bell, to approve the consent agenda items. Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Ordinance 2021-06- An ordinance amending Appendix C Fee Schedule “Sewer Rates -2018” of the Code of Ordinances of the City of Bowie, Texas increasing sewer rates and adding 5-year schedule; providing a savings clause; a repealer clause; and an effective date.

Councilor Bell moved, with a second from Councilor Hefley, to approve Ordinance 2021-06. Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Ordinance 2021-07- An ordinance of the City of Bowie, Texas amending the City of Bowie Code of Ordinances by amending Chapter 13 "Parks & Recreation,"; Article 13.400 "Selma Park"; Section 13.402 "Regulations of Conduct"; by adding (9) c; providing a savings clause; a severability clause; and an effective date.

Councilor Hefley moved, with a second from Councilor Bell, to approve Ordinance 2021-07. Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Consider Charter amendments for Special Election.

Twenty (20) amendments were brought to the Council from the Charter Commission. Fifteen (15) passed to be on a ballot. Five (5) were rejected.

Sec. 1.03 Extension of Boundaries

Councilor Bates moved, with a second from Councilor Bell, to strike this whole paragraph and replace with "Additional territory may be annexed to the city in any manner and by any procedure provided by the laws of the State of Texas".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 2.0 Number; Selection; Terms

Councilor Bell moved, with a second from Councilor Higgins, to add the following language to the paragraph. "The mayor and councilmember must lay off at least one (1) term (2 Years) before they can run for a council seat or mayor seat after serving three (3) consecutive terms. The mayor and councilor being separate positions, with a limit of twelve (12) consecutive years. A person who was elected but does not serve the full term of their position is still considered as a full term. A person who is appointed to their position will not have that term considered as a full term. Any person(s) resigning from their positions cannot run for any position again until sitting out one full term".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 2.02 Qualifications

The Charter Commission suggested adding "be 18 years of age or older on the day of the election; have been a resident of Texas for at least twelve (12) months as of the deadline for filing for office; have resided in the city for at least six (6) months as of the deadline for filing for office). After discussion of this paragraph already saying "be otherwise qualified according to the laws of the State of Texas" Council decided it was better to leave as is.

Sec. 2.02 died for the lack of a motion.

Sec. 2.03 Precincts

Councilor Higgins moved, with a second from Councilor Hefley, to add "to be reviewed at least one (1) time after each census".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

2.09 Quorum

Councilor Hefley moved, with a second from Councilor Bates, to add "The mayor does not count toward a quorum. In the event the mayor is absent or incapacitated, the mayor pro tem does not actually become mayor, but assumes the duties of the mayor, including presiding at meetings. When assuming the duties of mayor, the mayor pro tem does not lose the power to vote and is counted in the quorum".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 2.11 Passage of Ordinances

The Charter Commission suggested adding "news media "to (1) and "when such changes are published in the newspaper or news media to (2)". Council feels news media is not necessary.

Sec. 2.11 died for the lack of a motion.

Sec. 3.04 Planning Commission

Councilor Hefley moved, with a second from Councilor Bell, to add "(G) Each Planning Commission member is subject to the Chapter I Article I.1900 Rules of Ethical Conduct in the Code of Ordinance book".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 3.05 Police Department

Councilor Higgins moved, with a second from Councilor Hefley, to add a new section "3.05 Police Department. The Police Department for the City of Bowie shall be composed of a Chief of Police and a supporting staff of police officers. The total number of police officers and compensation for each position of the Police Department shall be determined by the Council. Any dissolution of the Police Department shall be determined by a majority vote of the registered voters of the City of Bowie, in accordance to the procedures under state law".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 3.06 Fire Department

Councilor Bates moved, with a second from Councilor Higgins, to add a new section "3.06 Fire Department. The Fire Department for the City of Bowie shall be composed of a Fire Chief and a supporting staff of fire personnel. The total number of fire personnel and compensation for each position of the Fire Department shall be determined by the Council. Any dissolution of the Fire Department shall be determined by a majority vote of the registered voters of the City of Bowie, in accordance to the procedures under state law".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 4.03 Clerk of the Municipal Court

Councilor Hefley moved, with a second from Councilor Bell, to add "may appoint a clerk" instead of must. Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 6.02 Initiative

Councilor Higgins moved, with a second from Councilor Hefley, to add to this paragraph "The registered voter must file with the City Secretary a notice of intent to circulate a petition before circulating any petition and must be filed prior to the date of signing of each signature contained in the petition. A petition must be filed no later than sixty (60) days after the intent to circulate a petition has been accepted by the city secretary. If the 60th day after the petition is issued falls on a Saturday, Sunday, or legal holiday, the petition may be timely filed on the next regular business day. A petition is valid if the petition complies with Chapter 277, Texas Election Code and the petition is filed after the notice of intent to circulate a petition is properly filed. Within five (5) business days after the filing of such petition, the person performing the duties of city secretary shall review the petition and determine whether the petition is valid and present said petition and proposed ordinance or resolution to the city council at the next regular scheduled meeting." Also strike ten (10) days and change to thirty (30) days to pass ordinance and strike "within thirty days thereafter" to call special election and add "on the first uniform election date that occurs 78 days after the date of that order". Lastly strike the last sentence on the page which says "However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 6.08 Results of a Recall Election

Councilor Hefley moved, with a second from Councilor Higgins, to add at the end of the paragraph "A person by recall may not be appointed to fill the vacancy and may not be a candidate in any election called to fill the vacancy".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 7.02 Budget

Charter Commission suggested adding the word "news media" to the paragraph. Sec. 7.02 died for the lack of a motion.

Sec 7.04 Public Hearing on Proposed Budget

Charter Commission suggested adding the word "news media" to the paragraph. Sec. 7.04 died for the lack of a motion.

Sec. 7.13 Purchase Procedure

Councilor Higgins moved, with a second from Councilor Bell, to strike "lowest bidder" and replace with "best value".

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 9.01 Department of Taxation

Councilor Higgins moved, with a second from Councilor Hefley, to strike this whole section and replace with "In 1981 the State of Texas established Appraisal Districts for the purpose of appraising real property with the Property Tax Code. Each county in Texas has an Appraisal District with a locally appointed board of directors who serve without pay. The City of Bowie by state law must use the Montague County Tax Appraisal District to appraise property within the city limits of the city. The city may also use the Montague County Tax Appraisal District to collect taxes for the city. A Contract for Assessment and collection Services must be entered into between the City of Bowie and the Montague County Tax Appraisal District. The contract term is enumerated by the contract and must be approved by the Bowie City Council and the Montague County Tax Appraisal District Board. Items in the contract must include the Purpose, Term, Services to be Rendered, Payment of Fees for Services, Remittance of Collections, Administrative Provisions, Miscellaneous Provision, Delinquent Tax Suits and must be agreed and signed by the Chairman of the Board of Directors of the Montague County Tax Appraisal District and the Mayor of the City of Bowie.

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 10.03 Franchise; Power of the City Council

Charter Commission suggested adding the word "news media" to the paragraph.

Sec. 10.03 died for the lack of a motion.

Sec. 11.08 Interim Government

Councilor Bell moved, with a second from Councilor Higgins, to remove all of Section 11.08 as this has to do with the original charter.

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 12.01 Submission of the Charter to Electors

Councilor Hefley moved, with a second from Councilor Higgins, to remove all of Section 12.01 as this has to do with the original charter.

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Sec. 12.02 Filing Official Charter

Councilor Bates moved, with a second from Councilor Hefley, to remove all of Section 12.02 as this has to do with the original charter.

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

Consider having Special Election to sell real property described as Richwood Hills Lake Estates Park (1.97 acres Lot 1, Block 1, Unit 2, Richwood Hills Lake Estates Addition Subdivision).

Councilor Higgins moved, with a second from Councilor Bates, to have this property put on the ballot.

Motion carried with Councilors Bates, Bell, Hefley, and Higgins voting Aye.

PUBLIC COMMENTS

Glenda Durham thanked Councilor Higgins for an excellent question on rates, feels all volunteer groups/boards should be subject to an ethics policy and questioned limiting Police and Fire to specific numbers. Wonders if we have ever considered basing on population and square miles for response time.

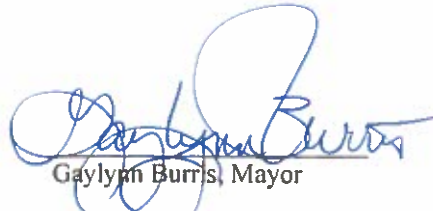
Margin Latham thanked the first charter committee and the time it took to put the original one together. Also, the present group that worked on the amendments.

Mildred McCraw thanked the City Council and City of Bowie for their hard work. She invited everyone to participate in the upcoming Jim Bowie Days and go out and see the flags at the arena.

Mayor Burris adjourned the regular meeting at 7:16 p.m.

ATTEST:


Sandy Page, City Secretary


Gaylyn Burris, Mayor