

## **REGULAR CITY COUNCIL MEETING**

The Edna City Council met in regular session on Thursday, July 18, 2019 in council chambers at 6:00 p.m.

**CALL TO ORDER:** Mayor Lance Smiga called the meeting to order at 6:00 p.m.

Mayor Smiga stated that the council meetings would be started a little differently going forward and there will be a moment of silence. Mayor Smiga noted that there were two city employees that have had loss in the past week and he asked that the council/staff/visitors please remember them in silence. After the moment of silence, the council stood and recited the Pledge of Allegiance.

Mayor Pro-Tem / Councilmember District 2 Wayne Callis, Councilmember District 1 Dustin Muncrief, Councilmember District 3 Rick Boone, Councilmember District 4 Elizabeth Sommerfeld and Councilmember District 5 Johnny Vasquez were in attendance. City Manager Don Doering, Finance Director Olga Salomon, Chief of Police Clinton Wooldridge, Director of Public Works Brad Ryan and Street Superintendent Steve Sample were also present. Minutes were recorded by City Secretary Becky Miska.

**VISITORS:** David L. Webel, Dan Creel-SignAd, Ltd., Velma Vasquez and Chris Lundstrom-Jackson County Herald Tribune, Julvon Powell-Code Enforcement and Diane Pierce-Permit Tech

### **APPROVE MINUTES OF THE CITY COUNCIL MEETING HELD JUNE 20, 2019:**

Councilmember Callis made the motion to approve minutes of the city council meeting held June 20, 2019. Councilmember Sommerfeld seconded the motion. All voted AYE. Motion carried.

### **APPROVE MINUTES OF THE BUDGET WORKSHOP / SPECIAL CITY COUNCIL MEETING AND THE SPECIAL MEETING / EXECUTIVE SESSION HELD JUNE 25, 2019:**

Councilmember Boone made the motion to approve minutes of the budget workshop / special city council meeting and the special meeting / executive session held June 25, 2019. Councilmember Muncrief seconded the motion. All voted AYE. Motion carried.

### **HEARING OF VISITORS:**

*“At this time, comments will be heard from the audience on any subject matter that is not on the agenda. In accordance, with the Open Meeting Act, the council may not discuss or take action on any item which has not been posted on the agenda.” Please limit comments to two (2) minutes.*

Director of Public Works Brad Ryan introduced the two newest employees: Julvon Powell-Code Enforcement and Diane Pierce-Permit Tech. Ryan stated they are both an exceptional job. Mayor Smiga welcomed them aboard and noted he had heard nothing but good things about the work.

David L. Webel stated that he was supportive of the city’s push to clean up the town. Webel went onto say that he had been approached by two business owners that had received letters to clean up their property. Webel noted that they were questioning him if he knew who to contact regarding these letters and any concerns they may have. Mayor Smiga stated to go to Code Enforcement directly or City Manager Doering. Director of Public Works Brad Ryan also added that he is available to answer any and all questions. Mayor Smiga noted that the council is always available but they will confer with city staff on any questions presented to them in regards to letters being sent, etc.

### **PUBLIC HEARING:**

**a)DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER SPECIFIC USE PERMIT FOR PLACEMENT OF AN OFF-PREMISE SIGN (BILLBOARD) BY SIGNAD, LTD. PROPERTY IS LOCATED AT US 59 & N. COLORADO (JACKSON PID #R21443), EDNA. LEGAL DESCRIPTION: NORTHWEST, BLOCK 2, LOT 4 AND PT 5, ACRES 0.31, JACKSON COUNTY, TEXAS:**

City Manager Doering noted the Planning & Zoning Commission met and reviewed the request on July 9, 2019. The Planning & Zoning unanimously approved the request for the placement of the billboard. Doering added that he had received an email before the council meeting from a property owner, Laura

Gabrysch. Ms. Gabrysch asked that the council's decision regarding the placement of the billboard be postponed in order to give time for adequate notice and review. Mr. Doering also noted that he was spoken with Mrs. Gabrysch numerous times, she is an attorney and she does not want the billboard. City Manager Doering distributed email correspondence that he had received from Laura Gabrysch expressing her concerns and disapproval of the sign placement.

Dan Creel addressed the city council regarding his request for placement of the billboard. He thanked council for considering the application. Mr. Creel stated that he is the Vice President / Real Estate Manager for SignAd and President of Big Eastex which is a division of our company that buys and develops land. Creel noted this particular piece of property is on the corner of Hwy 59 and Colorado next to Mercer Construction. He stated it is about a 1/3 of an acre. Creel stated that they have offered to buy the property from the Mercer's contingent to the approval of the Specific Use Permit. They will eventually develop the property commercially. The billboard is put in place at first essentially to pay for the taxes, upkeep/cleaning and mowing. It will be well maintained. A billboard is put in place until they can put into place a development, some kind of retail establishment or sell it as a commercial property later on. The way you go about getting a billboard permit you have to get approval by the city first. If you don't get a city permit first then you can't move on to obtain the state permit. (At this time, Mr. Creel distributed copies of the aerials of the property, copies of the state permit, all copies of documentation the city requested, affidavits from the property owner and cads). The proposed billboard would be placed at the far east end of the property fronting Hwy 59 which will leave the rest of the property for development. The location meets all the requirements for the State of Texas. They have height requirements, size requirements, facing requirements and zoning requirements to name just a few of their several requirements. A copy of the permit application that the State has used before going to online applications was presented. The State has now moved to a electronic filing system and you now apply online but the information is still the same. Copies of the Submission Forms to the State of Texas which include information for the placement of the billboard. Without a copy city permit the request would be denied.

The sign will not be an LED sign. It will be a vinyl faced sign, not paper, that it built to maintain 105 mile winds. Mr. Creel went onto say that this is a family owned business. The billboard will not having any advertisements that are sexual, promoting alcohol or tobacco. It is mandated to maintain a 35 pound wind load.

Councilmember Boone asked if the sign were to become detached what timeline would there be for it to be repaired. Mr. Creel noted as soon as they find out it needs repairs. If they are notified that morning it should be repaired that day. If it is destroyed by storm damage then storm damage takes first priority over everything else. Mr. Creel stated they do carry insurance. Insurance is mandated by the State and it is million dollars per occurrence, three million dollars total. They have to maintain insurance or they cannot operate without it.

Creel noted the signs are 90% destination driven; tourist, Buckee's, Six Flags, events and most of the time local, watermelon festivals, peanut festivals, etc.

**APPROVE OR DISAPPROVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION:**

**b) SPECIFIC USE PERMIT / PLACE OF BILLBOARD – SIGNAD, LTD**

City Manager Doering noted that six (6) letters were mailed to adjacent property owners: 1 approval, 2 protests, 2 no response and 1 returned mail. Councilmember Callis stated his concerns was how many signs are we going to allow in that area. There is already a billboard out by Tractor Supply. Councilmember Sommerfeld added that there already three billboards within a mile of each other and two of those are not in use.

Dan Creel replied to Councilmember Callis and Councilmember Sommerfeld's comments. Creel noted that they carry mandated insurance required by the State. There are spacing requirements of 1500 ft between signs and TxDot has a cap and controls how many signs may be place in a specific area. Creel noted all of the state requirements for placement of billboards within and without of city limits.

Mayor Smiga noted that agenda item 6 was to take action on the Planning & Zoning's recommendation. Smiga asked council if they wanted to approve or disapprove this request. Councilmember Vasquez noted that the area is zoned commercial already and if they don't put up a sign someone else will. Councilmember Callis replied not if we don't let them. Again Councilmember Sommerfeld noted that there are two billboards in the area that are not being utilized and are near this site. Councilmember Sommerfeld made the motion to deny the request for a Specific Use Permit for the placement of a billboard as recommended by the Planning and Zoning Commission. Councilmember Callis seconded the motion. Mayor Smiga stated that there was a motion and a second to deny the request. He asked for those to respond that were all in favor of denying the request. Councilmember Muncrief, Councilmember Boone and Councilmember Vasquez voted to approve. Mayor Smiga noted that the vote did not pass to deny. Mayor Smiga asked the council to vote once again. Councilmember Boone and Councilmember Muncrief stated that they were for the sign. Motion to deny the request for placement of the sign failed. Mayor Smiga asked if there was a motion to approve the sign or does the council want to table this request. Councilmember Muncrief made the motion to approve the request for a Specific Use Permit for the placement of a billboard. Councilmember Vasquez seconded the motion. Councilmember Boone voted AYE. Councilmember Sommerfeld and Councilmember Callis voted NAYE. Vote carried 3 to 2. Motion passed to approve the placement of the sign/billboard.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER THAT THE CITY OF EDNA TRANSFER OWNERSHIP OF THE BUILDING AND ADJACENT PROPERTY LOCATED AT 315 WEST MAIN TO THE JACKSON COUNTY EMERGENCY SERVICES DISTRICT NO. 3:**

Mayor Smiga asked that this agenda item be tabled until the agreement is presented. Councilmember Muncrief made the motion to table the agenda item to consider the City of Edna to transfer ownership of the building and adjacent property located at 315 West Main to the Jackson County Emergency Services District No. 3 until agreement is presented.

Councilmember Boone seconded the motion. All voted AYE. Motion carried.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER THE PROPOSED INTERLOCAL AGREEMENT BETWEEN THE CITY OF EDNA AND THE JACKSON COUNTY EMERGENCY SERVICES DISTRICT NO. 3 FOR FIRE CODE ENFORCEMENT:**

Mayor Smiga noted that the interlocal agreement has not been received as of today. Mayor Smiga asked that this agenda item be tabled also until the interlocal agreement is presented for review. Councilmember Sommerfeld made the motion to table the agenda item which was to consider the proposed Interlocal Agreement between the City of Edna and the Jackson County Emergency Services District No. 3 for fire code enforcement. Councilmember Callis seconded the motion. All voted AYE. Motion carried.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER RESOLUTION NO. R-2019-06 A STATE HOMELAND SECURITY GRANT PROGRAM:**

Chief of Police Clinton Wooldridge noted Golden Crescent had telephoned to let him know there was money available through the Homeland Security Grant Program. The Sheriff's Department has been using thermal imaging and it has proved to be beneficial to the department. Through the COG the City of Edna Police Department is able to get a handheld thermal imaging device. Councilmember Muncrief made the motion to approve Resolution No. R-2019-06 in support of a State Homeland Security Grant Program. Councilmember Boone seconded the motion. All voted AYE. Motion carried.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER THE FIRST READING OF ORDINANCE NO. 2019-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDNA, TEXAS AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES", ARTICLE 12.05, "PARKING, STOPPING AND STANDING" BY ADDING SECTION 12.05.066, "PARKING FOR CERTAIN PURPOSES PROHIBITED, STORAGE TIME LIMIT"; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATIONS; EFFECTIVE DATE; AND PROPER NOTICE & HEARING:**

Chief of Police Wooldridge noted that council has discussed this several times regarding people storing things/vehicles on the road. This ordinance will be a valuable tool for the Police Department to use in

order to keep people for storing things/vehicles on the road. Councilmember Callis made the motion to approve Ordinance No. 2019-05 an Ordinance of the City Council of the City of Edna, Texas amending Chapter 12, "Traffic and Vehicles", Article 12.05, "Parking, Stopping and Standing" by adding Section 12.05.006, "Parking For Certain Purposes Prohibited, Storage Time Limit"; and providing for the following: Findings of Fact; Enactment; Repealer; Severability; Codifications; Effective Date; and Proper Notice & Hearing. Councilmember Vasquez seconded the motion. All voted AYE. Motion carried.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER APPOINTMENT TO THE BUILDING & STANDARDS COMMISSION:**

City Manager Doering stated that he had a conversation with Mike Dodds. Mr. Dodds was one of the applicants considered for city council. Mr. Dodds would like to be considered for appointment to the Building & Standards Commission to serve the City of Edna. Councilmember Vasquez made the motion to appoint Mike Dodds to the Building & Standards Commission Board. Councilmember Callis seconded the motion. All voted AYE. Motion carried.

**SET DATE FOR BUDGET WORKSHOP:**

The next budget workshop will be held August 7, 2019 at 6:00 p.m.

**DISCUSS AND TAKE APPROPRIATE ACTION TO CONSIDER PAYMENT OF CURRENT BILLS:**

Councilmember Muncrief made the motion to approve payment of current bills in the amount of \$186,841.63. Councilmember Vasquez seconded the motion. All voted AYE. Motion carried.

**CITY STAFF REPORTS:**

*"At this time, the City Council will hear reports / updates on all committees or department assignments which may include, but is not limited to the following: Police Department – grant updates, police report; Public Works Department – park reports, water & sewer line updates; Street Department – street repairs/projects; City Manager & City Secretary – public information; Finance Director – financial report; Code Enforcement – progress reports on code issues."* No formal action can be taken on these items.

**City Manager Don Doering** stated there are a lot of good things happening in the City of Edna. The two newest employees are working out nicely and working towards our continued push to keep our city clean. The grant paperwork for \$730,000 is nearing completion; there have been meetings and working on acquiring recommended contractor for the sculpture project; sales tax continues to come in; all is well towards the proposed budget; Alamo Lumber and Family Dollar are well underway in their new constructions and there is a new BBQ stand in town. **Chief of Police Clinton Wooldridge** reported that he had been approached by a citizen to close the 800 block of Martin Luther King due to a family reunion. Street department will provide barricades for this Saturday's event. **Director of Public Works Brad Ryan** noted that the water department hasn't had as many water breaks this week but have been busy installing several water taps; reminding employees that are working outdoors to keep hydrate. **Street Superintendent Steve Sample** reported that street construction has been completed; next week selected streets will be bladed; Monday the mowers will be going again in different areas of town. Mr. Sample also reported on the pesticide application demonstration that he and Mr. Doering were shown this week.

**ADJOURN::**

Before adjourning the meeting, Councilmember Callis asked if someone would explain to him where all the water would flow that will be coming off Family Dollar if there was a huge rain. Director of Public Works Brad Ryan explained that it was designed to go out of the back of the property. This particular property is out of the floodway but is in the flood zone.

Councilmember Boone questioned if the street next to Family Dollar will be paved. Street Superintendent Steve Sample stated that it will be paved before the opening of the store.

Councilmember Sommerfeld made the motion to adjourn the meeting. Councilmember Vasquez seconded the motion. All voted AYE. Motion carried.

APPROVED: \_\_\_\_\_  
Lance Smiga, Mayor

ATTEST: \_\_\_\_\_  
Becky Miska, City Secretary