

November 16, 2020

On this the 16th day of November, 2020 at 6:30 p.m., the City Commission of the City of Hereford, Texas, convened in a regular session in the Commission Chamber, in the City Hall, the meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 551 of the Government Code, with the following members being present and in attendance, to-wit:

Jose A. Garza, Commissioner Place One
 Angie Alonzo, Commissioner Place Two
 Clint Savoini, Commissioner Place Three
 Linda Cumpton, Commissioner, Place Four
 Mark Collier, Commissioner, Place Four
 Cathy Bunch, Commissioner Place Five
 Rocky Bhakta, Commissioner Place Six
 Steve Bartels, Interim City Manager
 Suzanne Finch, City Secretary
 Audie Sciumbato, City Attorney

Absent: Tom Simons, Mayor

Jeff Blackmon from the Hereford Brand was in attendance to witness the proceedings.

Also, in attendance were Fire Marshal/EMC Dean Turney and Officer Carlos Luna.

Mayor Pro Tem Bunch called upon Commissioner Garza to lead the Pledge of Allegiance to the United States flag. Mayor Pro Tem Bunch then voiced the invocation. She called the meeting to order, welcomed those in attendance, and introduced each item on the agenda.

REGULAR HEARINGS:

ITEM 1 – Consider approval of minutes for the October 19th, 2020 Special Meeting.

Commissioner Savoini made the motion to accept the minutes as presented. Commissioner Bhakta seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 2 – Consider approval of Resolution No. 11.16.20 Canvassing the November 3, 2020 Election Returns.

RESOLUTION NO. 11.16.20

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION HELD ON NOVEMBER 3, 2020.

WHEREAS, the City Commission called an Election on November 3, 2020 for the purpose of electing City Commissioner Place Four for the City of Hereford, and

WHEREAS, said election was held and the election returns delivered to the City Commission; and

WHEREAS, it appearing from said returns, duly and legally made, there were 847 valid and legal votes cast in the election by a total of 922 persons voting and that each of the candidates in said election received the following number of votes, to-wit:

CITY COMMISSIONER, PLACE FOUR

Mark W. Collier	<u>361</u> votes
Art Martinez	<u>352</u> votes
Jo Ochs	<u>134</u> votes

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

That said election was duly called; notice of said election was given in accordance with law; said election was held in accordance with law; Mark Collier was duly elected to serve as **City Commissioner, Place Four** of the City of Hereford and said above named party is hereby declared duly elected to said office, subject to the taking of their oath as provided by the laws of the State of Texas.

It is further found and determined in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located in City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting. A copy of said posting shall be attached to this resolution and order and shall be made a part thereof for all intents and purposes.

PASSED, ADOPTED AND APPROVED this the 16th day of November 2020.

/s/ Cathy Bunch

Cathy Bunch, Mayor Pro Tem

ATTEST:

/s/ Suzanne Finch

Suzanne Finch, City Secretary

Commissioner Cumpton made the motion to accept Resolution No. 11.16.20. Commissioner Alonzo seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 3 – Recognize outgoing City Commissioner, Place Four.

Mayor Pro Tem Bunch listed the City Commission's accomplishments during City Commissioner Linda Cumpton's time on the Commission. Mayor Pro Tem Bunch presented Commissioner Cumpton with a plaque and flowers and thanked her for her service. Commissioner Cumpton accepted the plaque and thanked the City Commission and City Staff.

(Commissioner Cumpton left the meeting.)

ITEM 4 – Swear in newly elected City Commissioner, Place Four.

Mayor Pro Tem Bunch called upon City Secretary Finch to administer the Oath of Office to Mark Collier, newly elected City Commissioner, Place Four.

(Mayor Pro Tem Bunch opened the public hearing at 6:43 p.m.)

PUBLIC HEARINGS:**ITEM 5 – Consider zoning change request (Ordinance No. 11.16.20) to rezone property located at 412 Avenue I from “R-1” Single Family District to “MH” Mobile Home District. (Requested by Ricardo Martinez, Sr.)**

ORDINANCE NO. 11.16.20

AN ORDINANCE AMENDING ORDINANCE NO. 1193, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HEREFORD REZONING CERTAIN DESCRIBED PROPERTY FROM “R-1” SINGLE FAMILY DISTRICT TO “MH” MOBILE HOME DISTRICT

Interim City Manager Bartels stated this request was made by Mr. Ricardo Martinez, Sr. and there are at least six existing mobile homes in the immediate area that were grandfathered in a long time ago. He noted on October 27th, the Planning and Zoning Commission voted unanimously in favor of the rezoning from Single Family District to Mobile Home District. Fire Marshal Turney noted no one spoke against the rezoning request at the Planning and Zoning meeting.

Commissioner Bhakta pointed out if rezoned, a mobile home put in this area would be required to meet all Codes.

Interim City Manager Bartels noted in order to overturn the decision of the Planning and Zoning Commission requires a $\frac{3}{4}$ vote of the Commission which would mean all six commissioners present would have to vote to overturn; to uphold their decision only requires a simple majority.

Commissioner Savoini voted to uphold the decision of the Planning and Zoning Commission. Commissioner Bhakta seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 6 - Consider zoning change request to rezone property located at 441 Avenue B from “C-2” Restricted Commercial District to “CB” Central Business District. (Requested by Jose & Lydia Trevizo)

Interim City Manager Bartels stated this is the barn house located northeast of Sugarland Mall. He noted the owners have been parking trucks in this area and it is not zoned for it. Interim City Manager Bartels stated we talked to the owners about it and they requested the property be rezoned. Interim City Manager Bartels noted the Planning and Zoning Commission voted unanimously to deny the rezoning request. Interim City Manager Bartels stated the owner of a

nearby property was opposed to the rezoning because the requestor was using the mall parking lot for access and he was concerned for the safety of the children living in the houses near the property.

Mrs. Trevizo stated she requested a letter be sent letting her know of the date and time of the Planning and Zoning meeting and the reason she was not at the meeting was she did not receive a letter and only found out about the meeting after it took place from her neighbor that did receive his notification.

Mrs. Trevizo noted they have been parking their trucks on this property for nineteen years and understands it must be rezoned and they are trying to do everything needed in order to be able to legally park there.

Fire Marshal Turney stated a letter had been sent notifying the owner and surrounding property owners of the meeting; however, those notices are not sent certified.

Commissioner Bhakta made the motion to postpone to a time certain. Commissioner Savoini seconded the motion and it passed with the unanimous vote of the Commission.

City Attorney Sciumbato advised this item will be brought back up at a future meeting; however, the vote will still be whether or not to approve or disapprove of the action taken by the Planning and Zoning Commission on the current rezoning request.

Interim City Manager Bartels stated he will do some research to see if there are any time restrictions regarding how long an owner must wait before they can request another rezoning meeting. He advised, it is too late anyway to get on the agenda for the next meeting of the Planning and Zoning Board (December 3rd) as there would not be enough time to do all of the required publications/notices. He stated he is thinking the earliest this could come before the Planning and Zoning Board again would probably be January, 2021.

Interim City Manager Bartels noted the current item will come before the Commission for a vote again at the December 14th Special Meeting at 5:15 p.m.

(Mayor Pro Tem Bunch closed the public hearing at 7:01 p.m.)

REGULAR HEARINGS:

ITEM 7 – Announcements and comments from Mayor and City Commissioners.

Commissioner Savoini inquired about how the percentages used by the State are calculated in regards to COVID.

Commissioner Garza inquired about mandating mask wearing in businesses. Fire Marshal Turney stated the governor made the rules, but made no provisions for enforcement.

Commissioner Bhakta suggested businesses could take a proactive approach and offer personal protective equipment (PPE) to their customers.

Commissioner Alonzo expressed concern for the schools here and in the surrounding areas. She stated it is important the Commission be kept up to date and requested the COVID-19 graphs be emailed to the Commission.

ITEM 8 – Announcements and comments from City Staff.

Fire Marshal Turney answered questions from the commissioners and reported on the current COVID numbers, noting sometimes there is a big delay in reporting from the State. He also advised the area hospitals are full and transfers out of Hereford may have to go to larger cities such as Dallas because Amarillo and Lubbock are at capacity. Fire Marshal Turney noted there is talk of getting a tent for the hospital here to increase capacity.

Interim City Manager Bartels advised that due to our hospitalization percentage rate, gatherings are now limited to ten. He is working with the community center director and pool manager to keep occupancy rates low.

ITEM 9 – Public Comments.

There were no public comments.

There being no further business before the Commission, the meeting was adjourned at approximately 7:20 p. m.