

August 16, 2021

On this the 16th day of August, 2021 at 6:30 p.m., the City Commission of the City of Hereford, Texas, convened in a regular session in the Commission Chamber in 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:

Cathy Bunch, Mayor  
 Reyna Ruiz, Commissioner Place One  
 Angie Alonzo, Commissioner Place Two  
 Mark Collier, Commissioner, Place Four  
 James Stow, Commissioner, Place Five  
 Rocky Bhakta, Commissioner Place Six  
 Steve Bartels, City Manager  
 Suzanne Finch, City Secretary  
 Audie Sciumbato, City Attorney

Absent: Clint Savoini, Commissioner Place Three

Jim Steiert was in attendance from the Hereford Brand to witness the proceedings.

Also, in attendance were Miguel Sanchez, Elfego Sanchez, Chris Leonard, Lee Davila, Ricky Lloyd, Stacie Lloyd, Lisa Macias, Becky Bridwell, Keith Bridwell, Augustine Castillo, Jr., Julie Butler, Jana Trotter, Johnny Trotter, Olga Leal, Chris Grotegut, Thom Grotegut, Josef Grotegut, Scott DeBord, Javier Guevara, Richard Barrett, Brenda Barrett, Jackie Andrews, Stacy Andrews, Melissa Sciumbato, Kevin Bunch, Jamie Lewellen, Todd Murray, Wayne Dollar, Tim Laws, and Cherry Laws.

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

**REGULAR HEARING:**

**ITEM 1 – Consider approval of minutes for the July 19th, 2021 Regular Meeting.**

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

**PUBLIC HEARINGS:** *(Mayor Bunch opened the public hearing at 6:31 p.m.)*

**ITEM 2 – Consider approval of condemnation proceedings for dangerous building located at 111 Kibbe.**

City Manager Bartels stated pictures of the property are in the agenda packets for the property at 111 Kibbe Street; the process was started approximately 18 months ago and no improvements have been made and it meets the definition of a building that needs to be condemned.

Miguel Sanchez requested the house not be demolished stating they recently sold the property with the house and the person that bought it wants to repair the house.

Mayor Bunch suggested extending the deadline to ninety (90) days. City Attorney Sciumbato advised extending the deadline past ninety (90) days puts some additional requirements in place regarding the scope of work required to comply with the minimum standards.

Commissioner Bhakta made the motion to allow the owners sixty (60) days with the condition if it is not done in sixty (60) days, the City Commission will proceed with the condemnation process. Commissioner Ruiz seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 3 – Consider approval of condemnation proceedings for dangerous building located at 302 Avenue K.**

Mayor Bunch continued the public hearing (6:41 p.m.) and asked for any public comments on this item. There were no public comments.

Commissioner Stow made the motion stating based on evidence presented at the hearing, I move that the City Commission of the City of Hereford find that the following facts exist: (1) that the building located at 302 Avenue K is substandard and a public nuisance; and (2) that the conditions set forth in the building official's report exist to the extent that the life, health, property, or safety of the public are endangered, and (3) that the owner has been given a reasonable opportunity in the past to make the necessary repairs, and there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; I further move that the City Commission of the City of Hereford order: (1) the owner to demolish or remove the building and all debris within thirty (30) days; and (2) if the owner fails to demolish or remove the building within thirty (30) days, the City shall demolish the building at its expense and place a lien on the property to recover its costs. Commissioner Collier seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 4 – Consider approval of condemnation proceedings for dangerous building located at 613 Austin.**

Mayor Bunch continued the public hearing (6:43 p.m.) and asked for any public comments on this item. There were no public comments.

Commissioner Stow made the motion stating based on evidence presented at the hearing, I move that the City Commission of the City of Hereford find that the following facts exist: (1) that the building located at 613 Austin is substandard and a public nuisance; and (2) that the conditions set forth in the building official's report exist to the extent that the life, health, property, or safety of the public are endangered, and (3) that the owner has been given a reasonable opportunity in the past to make the necessary repairs, and there is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given; I further move that the City Commission of the City of Hereford order: (1) the owner to demolish or remove the building and all debris within thirty (30) days; and (2) if the owner fails to demolish or remove the building within thirty (30) days, the City shall demolish

the building at its expense and place a lien on the property to recover its costs. Commissioner Ruiz seconded the motion and it passed with the unanimous vote of the Commission.

**REGULAR HEARINGS:** *(Mayor Bunch closed the public hearing at 6:45 p.m.)*

**ITEM 5 - Consider approval of request for extension of water service outside city limits. (Requested by Albert Simnacher for property located at 205 8<sup>th</sup> Avenue, Hereford, Texas)**

City Manager Bartels stated Mr. Simnacher is requesting the City Commission provide water outside the city limits under the current cost schedule of one and one-half times the rate charged to customers within the city limits for a waterline in front of his property. City Manager Bartels stated Mr. Simnacher has a residence at 215 8th Avenue and is moving a house in at 205 8th Avenue and that is where he is requesting water service.

Commissioner Bhakta made the motion to approve the request for the extension of water service to Mr. Simnacher for property located at 205 8<sup>th</sup> Avenue. Commissioner Alonzo seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 6 - Consider approval of audit for F/Y/E September 30, 2020.**

Chris Leonard of McGinty & Associates thanked the City Commission for the opportunity to do the audit and thanked the city staff for their cooperation. He noted they issued a “clean” audit opinion in accordance with Generally Accepted Accounting Principles (GAAP) and briefly went over what would be the equivalent in the private sector of a balance sheet and income statement.

Commissioner Alonzo made the motion to accept the audit. Commissioner Stow seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 7 - Consider approval of Perpetual Easement Agreement between City of Hereford (Grantor) and Hereford Ethanol Partners, L. P. (Grantee) and Midwest PMS LLC (Grantee).**

City Manager Bartels stated this request is for an easement at the city farm (east of town) for the former Panda plant; the new owners need a thirty foot (30’) wide easement just south of the existing rail spur. He stated it will not affect the city farm in any way and there is a “hold harmless” clause in the easement stating that the city is not responsible for anything.

Commissioner Collier made the motion to approve the Perpetual Easement Agreement between City of Hereford (Grantor) and Hereford Ethanol Partners, L. P. (Grantee) and Midwest PMS LLC (Grantee). Commissioner Bhakta seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 8 - Discuss and vote on proposed tax rate for 2021.**

City Manager Bartels stated the proposed tax rate for 2021 is thirty-one (31) cents per one hundred dollars of valuation; this is down from last year’s rate of thirty-two (32) cents per one hundred dollars of valuation. City Manager Bartels stated the Commission must vote for or against the proposed tax rate; however, this does not set the tax rate.

Upon motion by Commissioner Stow, seconded by Commissioner Bhakta, Mayor Bunch voted

“for” the proposed tax rate; Commissioner Ruiz voted “for” the proposed rate; Commissioner Alonzo voted “for” the proposed rate; Commissioner Savoini was absent; Commissioner Collier voted “for” the proposed rate; Commissioner Stow voted “for” the proposed tax rate; and Commissioner Bhakta voted “for” the proposed tax rate for 2021 of thirty-one cents per one hundred dollars of valuation.

**ITEM 9 - Consider approval of award of Airport Shop Lease Agreement for Hereford Municipal Airport Maintenance Operator.**

City Manager Bartels stated the City of Hereford Municipal Airport Board met last week to review the bids received; he noted only one bid was received from TMSP Aviation of Hereford and it was the board’s recommendation to approve the bid. City Manager Bartels noted Mr. Schlabs would be conducting his flight school out of the maintenance hangar and was working on hiring a mechanic.

Commissioner Ruiz made the motion to approve the award of the Airport Shop Lease Agreement for the Hereford Municipal Airport Maintenance Operator to Tim Schlabs of TMSP Aviation. Commissioner Collier seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 10 - Consider approval of Ordinance No. 08.16.21 establishing a Hereford Beautification Advisory Board; providing that it shall have five members; establishing the qualifications of the members and how they are appointed and replaced; setting minimum requirements for the board’s by-laws; and setting forth the duties of the board.**

Mayor Bunch stated we are hoping to use this board as a means of research about our overall direction for improving the look of our city.

ORDINANCE NO. 08.16.21

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS, ESTABLISHING A HEREFORD BEAUTIFICATION ADVISORY BOARD; PROVIDING THAT IT SHALL HAVE FIVE MEMBERS; ESTABLISHING THE QUALIFICATIONS OF THE MEMBERS AND HOW THEY ARE APPOINTED AND REPLACED; SETTING MINIMUM REQUIREMENTS FOR THE BOARD’S BY-LAWS; AND SETTING FORTH THE DUTIES OF THE BOARD

Commissioner Collier made the motion to approve Ordinance No. 08.16.21 establishing a Hereford Beautification Advisory Board. Commissioner Stow seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 11 - Consider approval of appointment of members to the Hereford Beautification Advisory Board.**

Mayor Bunch stated this is a five-member board: one from the Chamber of Commerce, one representative from the City Commission, and three at-large members. Mayor Bunch noted the Chamber will give us a suggestion for their representative; she volunteered to serve as the city representative and stated Jeri Bezner, Marisela Nanez, and Kim Leonard were willing to serve in the at-large positions.

Commissioner Bhakta made the motion to appoint Cathy Bunch, Jeri Bezner, Marisela Nanez, and Kim Leonard as members of the Hereford Beautification Advisory Board. Commissioner Alonzo seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 12 - Consider approval of Ordinance No. 08.16.21A enacting supplemental regulation of Chapter 12 "Traffic & Vehicles" regulations presently existing by amending and supplementing Article 12.07 Stopping, Standing or Parking by adding thereto Section 12.07.014 Front Yard Parking.**

City Attorney Sciumbato read the pertinent parts of the proposed ordinance.

**ORDINANCE NO. 08.16.21A**

**AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS ENACTING SUPPLEMENTAL REGULATION OF CHAPTER 12 "TRAFFIC & VEHICLES" REGULATIONS PRESENTLY EXISTING BY AMENDING AND SUPPLEMENTING ARTICLE 12.07 STOPPING, STANDING OR PARKING BY ADDING THERETO SECTION 12.07.014 FRONT YARD PARKING.**

Several citizens spoke on this issue. Their names are listed below along with their concerns:

Mr. Javier Guevara – asked for clarification on RV's and parking in front/side yards versus rear yards

Mrs. Olga Leal – spoke against the ordinance - discriminatory, an economic hardship, potential traffic hazard if owners must park vehicles/RVs in the street to be in compliance; supports efforts to beautify Hereford, but focus should be on parks/pavilions and schools

Mr. Todd Murray – asked for clarification on the definition of improved surfaces – gravel/caliche included?

Mr. Jack Andrews – asked for clarification on "single family" home zoning restrictions and spoke in favor of the ordinance – 15 cars parked in a yard devalues the surrounding properties

Mrs. Becky Bridwell – spoke in favor of ordinance – not discriminatory, does devalue property, supports efforts to beautify Hereford and hold property owners accountable

Mr. Wayne Dollar – spoke against ordinance – does not devalue surrounding property; also requested alley be improved on 18<sup>th</sup> Street – currently have to dodge mudholes

Mr. Richard Barrett – spoke in favor of ordinance – trying to make city look better, would like to see city take it one step further and address unkept front yards – suggested sending out notices for front yards in addition to weed letters for alley cleanup

Mr. Augustine Castillo, Jr. – complained about neighbors not cleaning up 6' tall weeds

Ms. Lisa Macias – spoke in favor of ordinance – not discriminatory, want to make Hereford look appealing

City Attorney Sciumbato clarified this ordinance only applies to front and side yard parking. Mayor Bunch also noted the purpose of this ordinance is to give neighbor's some recourse. Mayor Bunch also advised citizens to call the city to report properties with tall weeds. Commissioner Reyna suggested perhaps the Commission should take another look at the

proposed ordinance.

Commissioner Collier made the motion to approve Ordinance No. 08.16.21A enacting supplemental regulation of Chapter 12 "Traffic & Vehicles" regulations presently existing by amending and supplementing Article 12.07 Stopping, Standing or Parking by adding thereto Section 12.07.014 Front Yard Parking. Commissioner Alonzo seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 13 - Consider cancelling regular City Commission Meeting scheduled for September 6th, 2021.**

Commissioner Collier made the motion to cancel the regular City Commission Meeting scheduled for September 6<sup>th</sup>, 2021. Commissioner Stow seconded the motion and it passed with the unanimous vote of the Commission.

**ITEM 14 – Announcements and comments from Mayor and City Commissioners.**

Mayor Bunch thanked everyone for the good turnout and for their comments.

Commissioner Alonzo thanked everyone for coming and expressing their concerns.

Augustine Castillo, Jr. expressed his concerns about an issue he is having with water overflowing in the area near his home on 18<sup>th</sup> Street.

Commissioner Stow and Commissioner Ruiz thanked everyone for their attendance.

**ITEM 15 – Announcements and comments from City Staff.**

City Manager Bartels thanked Chris Leonard for his work on the audit. City Manager Bartels gave a brief overview and timeline on the Highway 60 project.

**ITEM 16 – Public Comments.**

Mr. Wayne Dollar reiterated his concerns regarding 18<sup>th</sup> Street. City Manager Bartels stated the "road" is actually an alley as there is not enough area there for an easement that would be needed in order to make it a street. City Manager Bartels offered to take a look at it.

There being no further business before the Commission, the meeting was adjourned at approximately 7:29 p. m.