

MINUTES OF THE CROCKETT CITY COUNCIL MEETING HELD ON THE 19<sup>th</sup> DAY OF AUGUST 2024 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, DENNIS IVEY, DARRELL JONES, NATRENIA HICKS, AND MIKE MARSH. CITY OFFICIALS PRESENT: CITY ADMINISTRATOR JOHN ANGERSTEIN, CITY SECRETARY MITZI STEFKA, ASSISTANT CITY ADMINISTRATOR LEE STANDLEY, FIRE CHIEF JASON FRIZZELL, POLICE CHIEF CLAYTON SMITH, AND CITY ATTORNEY BILL PEMBERTON. ELBERT JOHNSON WAS NOT PRESENT.

#### OPEN MEETING WITH INVOCATION AND PLEDGE

Mayor Fisher called the regular session open; Council member Ivey gave the invocation, and all joined in the pledge.

#### RECOGNITION OF VISITORS

Mayor Fisher recognized all visitors present, including a group of Latexo High School graphic design students in attendance to take photographs for a class project.

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.)*

- Virginia Lewis – Thanked council, city administrator and mayor for decisions made at last meeting
- Berta Harris – Expressed concern about the drainage ditch in front of her house
- John Jenkins – Expressed concern about CEIDC issues
- Stephen Wells – Encouraged council to recognize CEIDC petition
- Jonathan Barnes – Encouraged council to recognize CEIDC petition
- Diane Rhone – Expressed concern about CEIDC issues

#### APPROVAL OF MINUTES

##### 1. REGULAR SESSION: AUGUST 5, 2024

Council member Ivey made a motion to approve the minutes from the August 5, 2024 regular session. Council member Jones seconded the motion. Council member Hicks asked for clarification of voting procedures. Motion passes 4-0.

#### REPORTS

##### 2. POLICE DEPARTMENT MANPOWER & CRIMINAL INCIDENT REPORT FOR JULY 2024

Chief Smith reported for the month of July 2024: 15 total manpower, 2,771 total manpower hours, 504 total calls and 5 total accidents. A breakdown of the criminal report is included in the packet.

3. FIRE DEPARTMENT MONTHLY ACTIVITY & STATUS REPORT FOR JULY 2024

Fire Chief Frizzell reported for the month of July 2024 the following: 39 calls. A breakdown is included in the packet.

4. CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION  
REPORT BY EXECUTIVE DIRECTOR JAMES GENTRY

Mr. Gentry reported that he was in the process of restoring his office space, CEIDC phone, email and website. The administrative assistant is scheduled to return to work on September 3, 2024. CEIDC is working with the attorneys of record to complete the implementation of the corrective action plan. Mr. Gentry has been working with project coordinator Nancy Windham on current projects, including A&A Texas Capital, Project Atticus and the Foreign Trade Zone designation initiative. Mr. Gentry also gave updates about the rail spur and US287.

5. REPORT AND PROJECT UPDATES FROM CITY ADMINISTRATOR

Mr. Angerstein informed council that the water line projects on East Goliad/East Houston Avenues have completed engineering and are awaiting approval by the Texas Water Development Board. The water line and fiber optic conduit project on South 4<sup>th</sup>/5<sup>th</sup> Streets have been completed and the city is seeking telecom providers who wish to utilize that conduit. The CDBG grant program for reconstructing MLK Blvd has been completed. The remaining portion of MLK is being repaired with funds from the State Infrastructure Bank program. The swimming pool project is awaiting the results of a grant application submitted to the Texas Parks and Wildlife Department. The city has been awarded a grant through Texas Division of Emergency Management to install six outdoor warning sirens. Mr. Angerstein gave an update on street repairs for each precinct.

BUSINESS

6. PRESENTATION AND POSSIBLE ACTION REGARDING THE MARY ALLEN  
SEMINARY SITE

Dr. Thelma Douglas addressed the council and introduced the Mary Allen College Board of Directors. Dr. Douglas also introduced architects Tracy & Chris Hudson who informed council that they had distributed surveys to gather data about how the community would like to utilize the property. Mrs. Hudson also presented information about the current state of the existing structure and gave a variety of options for possible projects at the site. Mayor Fisher expressed gratitude and support for the work being done by the Mary Allen College Museum board and said the council would try to find a way to assist the board if feasible.

7. PUBLIC HEARING ON PROPOSED BUDGET OF THE CITY OF CROCKETT FOR THE 2024-2025 FISCAL YEAR

Mayor Fisher called the public hearing to order. There were no relevant comments from the public. Mayor Fisher closed the public hearing.

8. CONSIDER AND APPROVE AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT OF THE CITY OF CROCKETT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; 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 2025

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, 2024 and ending September 30, 2025; 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 2025. Council member Ivey seconded the motion. Motion passes 4-0.

9. PUBLIC HEARING ON 2024 TAX RATE

Mayor Fisher called the public hearing to order. There were no relevant comments from the public. Mayor Fisher closed the public hearing.

10. 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 2025; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME BECOME DELINQUENT IF NOT PAID

Mayor Pro Tem Marsh 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 2025; 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 Ivey seconded the motion. Motion passes 4-0.

11. CONSIDER AND APPROVE 2024 TAX ROLL

Mayor Pro Tem Marsh made a motion to approve the 2024 Tax Roll. Council member Ivey seconded the motion. Motion passes 4-0.

12. CONSIDER AND APPROVE A RESOLUTION OF THE CITY COUNCIL OF CITY OF CROCKETT, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND

Council member Hicks made a motion to approve a Resolution of the city council of the City of Crockett, Texas, authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Community Development Fund. Council member Jones seconded the motion. Motion passes 4-0.

**13. UPDATE ON LEAD SERVICE LINE INVENTORY PROGRAM AND APPROVE FUNDING, IF NECESSARY, FROM UTILITY RESERVES**

Mr. Angerstein explained that the Texas Commission on Environmental Quality (TCEQ) has mandated that cities provide an inventory to certify that there are no lead service lines in use within the water system. Mr. Angerstein asked council to authorize a 'Not to Exceed' amount so he could seek bids from contractors to perform this inventory. Council member Ivey made a motion to authorize the city administrator to seek bids from contractors to provide a lead service line inventory with a cost not to exceed \$10 per meter. Mayor Pro Tem Marsh seconded the motion. Motion passes 4-0.

**14. AWARD BID: CROCKETT LIBRARY SIDEWALK / RETAINING WALL PROJECT AND APPROVE FUNDING TO BE AWARDED FROM AMERICAN RESCUE PLAN ACT PROCEEDS**

Mr. Angerstein explained that one sealed bid had been received for the retaining wall construction and one sealed bid had been received for the sidewalk construction. Council member Hicks made a motion to award the retaining wall construction (tan blocks) to Juan Ayala and the concrete/sidewalk construction to Velazquez Brothers for a total of \$37,907 from ARPA funds. Mayor Pro Tem Marsh seconded the motion. Motion passes 4-0.

**15. AWARD BID: CROCKETT ANIMAL SHELTER RENOVATIONS AND APPROVE FUNDING TO BE AWARDED FROM AMERICAN RESCUE PLAN ACT PROCEEDS**

Mr. Angerstein explained that the interior flooring and ceiling tiles needed to be replaced and the exterior needed to be painted, which would complete work on the animal shelter and allow us to move forward with opening the facility. Three bids were received from David Tyler Construction (\$32,000), Glenn Henry Construction (\$32,400), and 4L Construction (\$38,050). Mayor Pro Tem Marsh made a motion to award the bid for animal shelter renovations to David Tyler Construction for \$32,000 to come from ARPA funds. Council member Ivey seconded the motion. Motion passes 3-1. Council member Jones voted against.

**16. CONSIDER AND APPROVE DESIGN FOR WELCOME SIGNS AND ALLOW CITY ADMINISTRATOR TO SEEK SEALED BIDS**

Mr. Angerstein presented two designs for welcome signs to be placed at major highway entrances to the city and asked for authorization to seek sealed bids for construction of six (6) signs. Five signs would be stand alone structures and one would be integrated with an existing structure. Mayor Pro Tem Marsh made a motion to authorize the City

Administrator to seek sealed bids on construction of design #2. Council member Ivey seconded the motion. Motion passes 4-0.

**17. CONSIDER AND APPROVE PAYMENT OF INVOICES FROM CROCKETT ECONOMIC AND INDUSTRIAL DEVELOPMENT CORPORATION**

Mayor Pro Tem Marsh made a motion to approve payment of invoices from Crockett Economic and Industrial Development Corporation. Council member Ivey seconded the motion. Motion passes 4-0.

**18. EXECUTIVE SESSION: GOV.CODE 551.071: CONSULTATION WITH ATTORNEY REGARDING PETITION AND SPECIAL ELECTION**

Mayor Fisher stated Council would convene into Executive Session per Gov. Code 551.071: Consultation with Attorney Regarding Petition and Special Election. Time was 7:49 P.M.

**19. CONSIDER AND APPROVE PETITION RECEIVED ON AUGUST 12, 2024, AND CERTIFIED BY CITY SECRETARY**

Mayor Fisher reconvened the meeting into open session. Time was 8:24 P.M.

Mr. Pemberton informed the audience that there was a problem with the petition that was presented to the city council. The petition combined two different propositions, one being an election to dissolve the CEIDC and one being the reallocation of the sales tax.

However, the city council can still have a vote to call for an election to dissolve the CEIDC and another vote to call for an election to repeal/adopt a sales tax for property tax relief. The city council can vote to hold an election on both of those matters tonight.

Item failed for lack of a motion to approve.

**20. CONSIDER AND APPROVE A RESOLUTION CALLING FOR AN ELECTION TO TERMINATE THE EXISTENCE OF THE CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION (CEIDC) AND ABOLISH THE ONE-HALF PERCENT LOCAL SALES AND USE TAX IN THE CITY OF CROCKETT WHICH FUNDS THE CEIDC, AND ADOPT A LOCAL SALES AND USE TAX IN THE CITY OF CROCKETT OF ONE-HALF PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE**

Item failed for lack of a motion to approve.

**21. CONSIDER AND APPROVE A RESOLUTION CALLING FOR AN ELECTION FOR OR AGAINST THE TERMINATION OF THE CROCKETT ECONOMIC & INDUSTRIAL DEVELOPMENT CORPORATION IN AND FOR THE CITY OF CROCKETT, TEXAS**

Council member Jones made a motion for an election to terminate the existence of the Crockett Economic and Industrial Development Corporation (CEIDC) at the May 3, 2025, general election, according to Section 4.02 Municipal Elections, Home Rule Charter of the City of Crockett. This is to stipulate other laws such as the Uniformed and Overseas Citizens Absentee Voting Act (UACAVA) (42 US CODE 1973ff), which requires election officials to send absentee ballots to registered voters based on the Agreed Judgment from the Third Judicial District Judge of Houston County, Texas. Council member Hicks seconded the motion. Mayor Fisher informed Mr. Jones that the motion was improper as it deviated from the agenda language. Mr. Jones asked for clarification from the city attorney and Mr. Pemberton agreed the motion was improper. Mayor Pro Tem Marsh made a motion to approve a resolution calling for an election for or against the termination of the Crockett Economic and Industrial Development Corporation in and for the City of Crockett, Texas. Council member Ivey seconded the motion. Motion passes 3-2. Council members Jones and Hicks voted against. Mayor Fisher broke the tie with an affirmative vote.

22. CONSIDER AND APPROVE A RESOLUTION CALLING FOR AN ELECTION FOR THE REPEAL OF A SALES AND USE TAX WITHIN THE MUNICIPALITY FOR THE PROMOTION AND DEVELOPMENT OF NEW AND EXPANDED BUSINESS ENTERPRISES AT THE RATE OF ONE-HALF PERCENT AND THE ADOPTION OF AN ADDITIONAL SALES AND USE TAX WITHIN THE MUNICIPALITY AT THE RATE OF ONE-HALF PERCENT TO BE USED TO REDUCE THE PROPERTY TAX RATE IN AND FOR THE CITY OF CROCKETT, TEXAS

Council member Hicks made a motion to table this Resolution calling for an election for the adoption of sales tax rate to violate the original articles of the corporation and to get a written legal ruling and opinion from attorney Pemberton for clarity and clearer understanding of what's happening here. Council member Jones seconded the motion. Motion fails 2-3. Council members Marsh and Ivey voted against. Mayor Fisher broke the tie with a negative vote. Council member Ivey made a motion to approve a Resolution calling for an election for the repeal of a sales and use tax within the municipality for the promotion and development of new and expanded business enterprises at the rate of one-half percent and the adoption of an addition sales and use tax within the municipality at the rate of one-half percent to be used to reduce the property tax rate in and for the City of Crockett, Texas. Mayor Pro Tem Marsh seconded the motion. Motion passes 3-2. Council members Jones and Hicks voted against. Mayor Fisher broke the tie with an affirmative vote.

ADJOURNMENT

Without objection, Mayor Fisher adjourned the meeting at 8:36 P.M.

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Dr. Ianthia Fisher, Mayor

ATTEST:

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Mitzi Stefka, City Secretary