

Public Hearing April 19, 2022
Use of Coronavirus Local Fiscal Recovery Funds (American Rescue Plan Act)
Regular Council Meeting April 19, 2022

City Administrator Amy Wallace called the Public Hearing to order at 6:30 p.m. No one came forward. The public hearing was adjourned at 7:00 p.m.

Mayor Dusty Cornelius called the regular meeting to order at 7:03 p.m. with the following council members present: James Parkhill, Kevin Fry, Heidi Hays, and Jim Justus. Brad Thornhill and Abel Reyna were absent. Also present were City Administrator Amy Wallace, City Secretary Cheyanne Flores, Public Works Director Chase Longo, Chief of Police Corey Nunley, and Jonathon Farley.

Approve Minutes of March 15, 2022: Kevin Fry made a motion to approve the March 15, 2022 minutes. James Parkhill seconded the motion. Vote 4-0, motion passed.

Approve March Accounts Payables: Heidi Hays made a motion to approve the March Accounts Payables, excluding D & H Spraying and Landscape and Fiber Wave Accounts Payables. Kevin Fry seconded the motion. Vote 4-0, motion passed.

Approve D & H Spraying and Landscape and Fiber Wave March Accounts Payables: Kevin Fry made a motion to approve the March D & H Spraying and Landscape and Fiber Wave Accounts Payables. James Parkhill seconded the motion. Vote 4-0, motion passed.

Public Forum: No one came forward.

Police Report: Chief of Police Corey Nunley presented the monthly police report.

Public Works Report: Public Works Director Chase Longo presented the monthly public works report.

Execute a Contract between Brandt Engineering and the City of Crosbyton for \$57,500.00 for 2021 TxCDBG Grant: Heidi Hays made a motion to execute a contract between Brandt Engineering and the City of Crosbyton for \$57,500.00 for the 2021 TxCDBG Grant. Jim Justus seconded the motion. Vote 4-0, motion passed.

Approve Interlocal Agreement for Law Enforcement Mutual Aid or Assistance between White River District Police Department and the Crosbyton Police Department: James Parkhill made a motion to approve the Interlocal Agreement for law enforcement mutual aid or assistance between White River District Police Department and the Crosbyton Police Department. Heidi Hays seconded the motion. Vote 4-0, motion passed.

Approve Ordinance No. 04-2022 Amending Section 6.02.065 to Add Details Regarding the Fees and Expenses for Cutting Tall Weeds and Grass: Providing a Savings Clause; Providing a

Severability Clause; and Providing an Effective Date: Kevin Fry made a motion to approve Ordinance No. 04-2022 Amending Section 6.02.065 to add details regarding the fees and expenses for cutting tall weeds and grass: Providing a savings clause; Providing a severability clause; and providing an effective date. Jim Justus seconded the motion. Vote 4-0, motion passed.

ORDINANCE NO. 04-2022

AN ORDINANCE AMENDING THE CROSBYTON CODE OF ORDINANCES CHAPTER 6, ARTICLE 6.02; PROPERTY MAINTENANCE; AMENDING SECTION 6.02.065 TO ADD DETAILS REGARDING THE FEES AND EXPENSES FOR CUTTING TALL WEEDS AND GRASS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Crosbyton, Texas has previously passed an Ordinance regulating property maintenance, specifically tall weeds and grass, as detailed in Chapter 6, Article 6.02 of the Crosbyton Code of Ordinances; and

WHEREAS, it is necessary to amend certain provisions of Chapter 6, Art. 6.02, Section 6.02.065 of the Crosbyton Code of Ordinances related to the fees and expenses for cutting tall weeds and grass on private premises; and

WHEREAS, the City Council believes it is in the best interest of the citizens of Crosbyton to continue to regulate nuisances on private premises, including weeds and other unsanitary matter;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS:

SECTION I

A. Section 6.02.065 shall be deleted and amended to read as follows:

- (a) If the owner or his agent of any lot or premises to whom notice has been given in accordance with the provisions of this division fails to comply with the notice within ten days after notice is given, the city may do such work or make such improvements as are necessary to correct, remedy or remove the condition which is the subject of the notice, or cause the work to be done, and pay for the work and charge the fees and expenses incurred

to the owner of such lot. Such fees and expenses shall be assessed against the lot or real estate upon which the work was done, or the improvements made. The fees and expenses for cutting shall be billed to the owner of the premises at a rate determined by the Public Works Director but in no event less than one-hundred dollars (\$100.00) for a cutting. The doing of such work by the city shall not relieve such person from prosecution for failure to comply with such notice in violation of section 6.02.064.

SECTION II

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION III

Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

SECTION IV

Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

SECTION V

Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Gov't. Code.*

PASSED, APPROVED AND ADOPTED on first reading this 19th day of April 2022.

CITY OF CROSBYTON, TEXAS

By: _____

Dusty Cornelius, Mayor

ATTEST:

Cheyenne Flores, City Secretary

Approve Crosby County Pioneer Memorial Museum Board Members Gary Hardin and Jacky Dewbre for a Two-Year Term to Expire March 2024 and Dusty Cornelius to Expire April 2024:

Heidi Hays made a motion to approve Crosby County Pioneer Memorial Museum Board Members Gary Hardin and Jacky Dewbre with corrections to a three-year term to expire in March 2025 and Dusty Cornelius to a two-year term to expire April 2024. Kevin Fry seconded the motion. Vote 4-0, motion passed.

Approve Commercial Sanitation Accounts Billing Error: Kevin Fry made a motion to approve a three-month credit to adjust for the commercial sanitation accounts billing error. James Parkhill seconded the motion. Vote 4-0, motion passed.

Adopt Signatory Resolution Authorizing the Listed Positions to Sign Documentation Pertaining to the Texas Community Development Block Grant: Heidi Hays made a motion to Adopt Signatory Resolution Authorizing the Listed Positions to Sign Documentation Pertaining to the Texas Community Development Block Grant. Jim Justus seconded the motion. Motion carried.

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER CDV21-0177.

WHEREAS, the City of Crosbyton, Texas has received a 2021 Texas Community Development Block Grant award to provide water/sewer improvements, and;

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG *Depository/Authorized Signatories Designation Form (Form A202)* is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Crosbyton, Texas acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.), the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS, AS FOLLOWS:

The Mayor and City Manager be authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2021 Texas Community Development Block Grant Program.

The Mayor, Mayor Pro-Tem, City Manager and City Secretary be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2021 Texas Community Development Block Grant Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS ON APRIL 19, 2022.

Dusty Cornelius, Mayor

Attest:

Cheyenne Flores, City Secretary

Appointment of Labor Standards Officer for Texas Department of Agriculture Community Development Block Grant: James Parkhill made a motion to appoint Piata Bryan with South Plains Association of Governments as the Labor Standards Officer for Texas Department of Agriculture Community Development Block Grant. Jim Justus seconded the motion. Vote 4-0, motion passed.

Designation of Civil Rights Officer for the Texas Department of Agriculture CDBG Grant: Jim Justus made a motion to designate City Administrator Amy Wallace as the Civil Rights Officer for the Texas Department of Agriculture CDBG Grant. Kevin Fry seconded the motion. Vote 4-0, motion passed.

Pass the Civil Rights Resolution for the Texas Department of Agriculture CDBG Grant: Kevin Fry made a motion to pass the Civil Rights Resolution for the Texas Department of Agriculture CDBG Grant. Heidi Hays seconded the motion. Vote 4-0, motion passed.

RESOLUTION No. 04-2022 Regarding Civil Rights -

The City of Crosbyton, Texas

Whereas, the City of Crosbyton, Texas, (hereinafter referred to as “City of Crosbyton”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

Whereas, the City of Crosbyton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Crosbyton, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Crosbyton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;

Whereas, the City of Crosbyton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Crosbyton, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Crosbyton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Crosbyton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the City of Crosbyton, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS, that:

The CITY of Crosbyton ADOPTS/REAFFIRMS The following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Fair Housing Policy (Form A1015).
4. [If Grant Recipient employs 15 or more employees], Section 504 Policy and Grievance Procedures (Form A1004); and
5. Code of Conduct Policy (Form A1002).

The [CITY/COUNTY] affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity;
7. Limited English Proficiency; and
8. Activity to affirmatively Furth Fair Housing choice.

Passed and approved this _____ day of _____, 20____.

Signature of Elected Official

Printed Name of Elected Official

City of Crosbyton

Date _____

Approve Section 504 Policy: James Parkhill made a motion to approve the Section 504 Policy. Jim Justus seconded the motion. Vote 4-0, motion passed.

Set Admission and Rental Fees for Crosbyton Municipal Swimming Pool and Advertise for Pool Manager Position: Heidi Hays made a motion to begin advertising for the pool manager position and keep the rate of pay at \$1100.00 semi-monthly. James Parkhill seconded the motion. Vote 4-0, motion passed.

Approve Bids for Commercial Garage Door, Framing the Doorway, and Concrete Work at 121 S. Ayrshire for Fire Truck Bay: Jim Justus made a motion to table this item until the next meeting on April 26, 2022. Kevin Fry seconded the motion. Vote 4-0, motion passed.

Approve Repairs to Storm Sirens: Jim Justus made a motion approve repairs to the storm sirens for \$3,500.00. James Parkhill seconded the motion. Vote 4-0, motion passed.

Approve New Sentry Storm Siren- 14v1T \$15,500 or 15v2T \$18,500: Kevin Fry made a motion to table this item until the next meeting on April 26, 2022. Heidi Hays seconded the motion. Vote 4-0, motion passed.

Mayor Dusty Cornelius called the council into executive session at 9:54 p.m. in accordance with TX Gov't Code §551.074 to discuss personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and reconvened into open session at 10:06 p.m.

Chief of Police Position: Heidi Hays made a motion to open the Chief of Police position for advertising with a salary range of \$42,000- \$48,000 annually and retain Corey Nunley as the interim Chief of Police. Kevin Fry seconded the motion. Vote 4-0, motion passed.

Administrative Report: City Administrator Amy Wallace updated the council on the status of city projects.

With no further business before the council, the meeting adjourned at 10:06 p.m.

Dusty Cornelius, Mayor

ATTEST:

Cheyenne Flores, City Secretary