

§STATE OF TEXAS
§CALDWELL COUNTY
§CITY OF LULING

THE CITY COUNCIL OF THE CITY OF LULING, MET IN SPECIAL SESSIONS ON TUESDAY, FEBRUARY 4, 2020 AT 5:30 P.M. IN CITY HALL, 509 EAST CROCKETT STREET.

The following members were present:

Mike Hendricks	Mayor
Jackie Campbell	Council Member
John Wells	Council Member
Wayne Tresner	Council Member
James Nickells	Council Member
C. J. Watts	Council Member

Staff Members present:

Mark Mayo	City Manager
Martha Velasquez	City Secretary
James Rougeou	Finance Director
William Sala	Police Chief
Ryan DeCamp	Code Enforcement

1. Call Meeting to Order.

Mayor Hendricks called the meeting to order and welcomed all the visitors. Mayor asked if anyone would like to speak at this time. He stated that we did not put citizen comments on the agenda but he is asking at this time if anyone would like to speak for them to speak at this time.

Vee Strauss with AEP introduced herself and stated that the AEP franchise contract is on this agenda. She stated that she had been working with Mark and Martha on the contract and that what we have in front of us is the collaborating effort with language that fits the City of Luling Charter. The contract is a 20 year term. This is the new contract between the City of Luling and AEP. Mayor Hendricks stated that we are moving agenda item 4 up at this time.

4. Consider/action an ordinance granting to AEP Texas Inc., Its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Luling, Texas.

Mayor asked if anyone had any question or comments for Vee Strauss. Council Member John Wells stated that he feels that since this was a collaborating effort between the City of Luling personnel and AEP that we should accept it. Council Member John Wells made a motion seconded by Council Member Wayne Tresner to approve the ordinance granting to AEP Texas Inc., Its successors and assigns, a nonexclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under, and through the streets, avenues, alleys and public places of the City of Luling, Texas. The motion carried with all members present voting unanimously in favor of the motion.

2. Consider/action on a Pay Request No. 9 from Austin Filter Systems on Zedler Mill Bank Reclamation in the amount of \$180,554.19.

Sonny Rougeou stated that they have reviewed it and it all looks good, the bad thing is that we haven't gotten our money from 7 & 8. We keep looking for them but haven't gotten any money.

Council Member Wayne Tresner made a motion seconded by Council Member CJ Watts to approve Pay Request No. 9 from Austin Filter Systems on Zedler Mill Bank Reclamation in the amount of \$180,554.19. The motion carried with all members present voting unanimously in favor of the motion.

3. **Consider/action a resolution of the City of Luling, Texas suspending the February 6, 2020 effective date of Texas Gas Service Company's requested increase to permit the city time to study the request and to establish reasonable rates; approving cooperation with other cities in the Texas Gas Service Company's Central Texas and Gulf Coast Service Areas; Hiring Legal and Consulting Services to Negotiate with the Company and Direct any necessary litigation and appeals; authorizing intervention in GUD No. 10928 at the Railroad Commission; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.**

Sonny Rougeou stated that they have to pay our legal fees to oppose their rate request. Mayor Hendricks stated that this has to be done before the 6th of February, and that is why it is on the agenda.

Council Member James Nickells made a motion seconded by Council Member Wayne Tresner to approve the resolution. The motion carried with all members present voting unanimously in favor of the motion.

4. **Accept Councilmember John Wells' notice of intention to resign from City Council, and consider/action to appoint a qualified person to fill Councilmember Wells' unexpired term, pursuant to Luling Charter, Section 3.06.**

City Attorney, Peter Grunning, stated that because we are Home Rule and our charter states that we have the authority to fill this vacancy by the vote of the entire City Council. In a General Law City the Mayor isn't allowed to vote but since we are Home Rule our Charter allows it. He stated that we have 10 days from the date of the resignation is accepted by the City Council if the Council doesn't accept the resignation then 8 days after the resignation is presented the resignation takes effect anyway. Council Member Ward 1 will hold over his ward in accordance to the Texas Constitution and will stay in that position and have the authority to vote until the new person is selected by the Council.

The selection of the person is an action item and you can select someone tonight if you wanted to, as far as accepting council member John Wells' resignation, you don't have to accept it tonight and then it gives us another 10 days.

Council Member John Wells stated that he would abstain from any discussion or vote on this matter. Council Member James Nickells asked if we didn't do anything tonight or accept his resignation and not name someone.

Mayor Hendricks stated that we accept it tonight, and then discuss it. Council Member John Wells stated that this is not something that he wants to do but that he has changed Wards and the Charter states that he cannot serve on Council if he does not reside in the Ward he represents.

Council Member Jackie Campbell made a motion seconded by Council Member Wayne Tresner to accept Council Member John Well's resignation as presented,. The motion carried with all members

present voting unanimously in favor of the motion with Council Member John Wells abstaining from the vote.

Mayor stated that at the end of that motion he has taken the voters list and gone through it and looked at all the names on that ward and one name jumped out at him and that is Melanie Doyle, she is a graduate of Baylor University and graduate of Baylor Law School and she has accepted the challenge if we so desire.

Mayor Hendricks made a motion nominating Melanie Doyle to take Council Member Ward 2 unexpired term and Council Member Wayne Tresner seconded the motion.

Council Member CJ Watts stated that Melanie was familiar as she currently serves on the Planning and Zoning Board. They stated that she would need to step down from the Planning and Zoning Board.

City Attorney, Peter Grunning reminded the Council that whoever takes this position would only be filling in the unexpired term for Council Ward 2, and then they would need to run for the position for that Ward.

Council Member Jackie Campbell stated that she was just curious about the person that had previously run against John Wells. (Lee Rust) She stated that she was just curious why we couldn't appoint Lee being that he was the only one that ran against John Wells. She stated that she only wanted to voice her opinion, being that they have already spoken to Melanie.

Council Member James Nickells stated that was a good thought but as a Council we want to appoint someone we know that will do a good job and he doesn't know Lee well enough one way or another, and he feels it's the Council's right to appoint someone they know and feel comfortable with.

Council Member Jackie Campbell stated that she understands but that she doesn't know Melanie Doyle.

Mayor Hendricks asked if there was any other discussion and asked for a vote. Everyone agreed with appointing Melanie Doyle to fill John Well's unexpired term. The motion carried with all members present voting unanimously in favor of the motion. (John Wells abstained from voting).

5. Adjourn.

There was no other business and the meeting was adjourned.

Approved: _____

Mike Hendricks, Mayor
City of Luling

Martha C. Velasquez
City Secretary