

**ROSEBUD CITY COUNCIL
REGULAR MEETING
CITY HALL**

202 S. College St., Rosebud, TX

February 21, 2022, 6:30 PM

MINUTES

- I. Open Meeting and Roll Call. **Mayor Zipperlen called the meeting to order at 6:33 pm. Council Members in attendance were CM Anthony Vasquez, CM Marla Wallace, and CM Joe Marek. Also attending were Mayor Marlene Zipperlen, City Administrator (CA) Ken Murray, City Secretary Cynthia Gibbs, Librarian/Grants Coordinator Kelly Hughes, Police Chief Jack Hensley, City Code Enforcement Richard Streicher, Rosebud Parks & Recreation Chairman Jamie Moeller. Absent were CM Sharon Skupin, CM Isabel McBee, and CM Randy Burton.**

- II. Certify Posting. **City Secretary Cynthia Gibbs certified the agenda was posted at 202 S College on February 17, 2022 at 5:18 pm.**

- III. Invocation and Pledge of Allegiance: U.S. and Texas Flags **Mayor Zipperlen led the group in prayer and in the pledges to the US and Texas flags.**

- IV. Citizen Participation: Citizens Comments (3mins.) on Agenda items. *Speaker shall address the presiding officer and not any individual council member, or staff member. Texas Open Meetings Act sec. 551.041, **the council cannot discuss, deliberate or take action on matters not listed on the agenda.** City Council may refer speaker to City staff for research, resolution, or referral for future agenda.*
 - **Mr. Ted Sedillo asked for a copy of the minutes from the October 2021 meeting. He also asked about the progress of the clean-out of the ditches. CA Murray gave an update of the ditch clean-out project. Mr. Sedillo stated he hoped we could utilize our manpower for the project.**

- V. Information Only Items - Reports by City staff and Council Members about items of community interest on which no action will be taken.

City Monthly Reports

City Administrator Report: Discussion points:

- **CA Murray reported clean-up and painting had been done on the jail and clean-up around the city continues. The emergency management center here at City Hall has been cleaned up and painted.**
- **Mayor Zipperlen expressed concern over the phone lines here at City Hall. CA Murray reported we need a new phone carrier. Also, the fax line to the police department was completely cut.**

- **Mayor Zipperlen reported they had a meeting last week with our IT professional, Jesus Mejia of All Around Connections. In the meeting it was discussed that City Hall needs new phone lines and a server.**
- **The police department needs new computers which are to be anchored. Mayor Zipperlen stated these items would be coming before the council in the near future.**
- **Mayor Zipperlen also reported that during the ice storm CA Murray and Owen Smith our emergency management coordinator were out checking with our residents making sure everyone was okay. City employees have been reduced to one truck due to the expense of gasoline.**
- **CA Murray reported the final aerator has quit working as of last week. A jet pump from Landia which will aerate the racetrack is needed for rental for \$5,200 every 90 days until MRB can replace ours with a new jet pump stating the sewer plant is inoperable.**
- **Mayor Zipperlen asked what is taking MRB so long. CA Murray stated we had to submit another report on the scope of the changes to be made and it is waiting for approval from TCEQ and the Texas Water Development Board. He also stated they are threatening to fine us while we are waiting on them to approve the repairs. Mayor Zipperlen advised the council that this is not something we budgeted and we would need to pull funds from different areas to cover the expense.**
- **CA Murray stated the email he received confirmed it could take up to a year for MRB. CM Marek asked if this rental would get us into compliance and CA Murray responded with yes, at least temporarily.**
- **Mayor Zipperlen stated if council were to approve the rental that the issue is brought before the council every 3 months for re-consideration. CA Murray and CM Skupin had discussed an agreement with MRB for 1.3 million dollars we need 20 years of compliance and \$300,000 was forgivable. CA Murray stated he would go back over the agreement to determine what the cost covers. The item was tabled for later in the meeting.**

Code Enforcement Report: Discussion points:

- **Richard Streicher Code enforcement officer stated they had no changes from last month.**
- **Mayor Zipperlen asked if pending meant he was working with the homeowner and how long does it take before someone is removed from pending status. Mr. Streicher stated that pending meant the homeowner is working with the City to resolve the issues. If the homeowner is reluctant to work with the City to resolve the issues they will have 10 days to comply.**

Chief of Police Report: Discussion Points:

- **CM Valesquez recognized Chief of Police Hensley for his outstanding performance during a situation with an individual who needed**

medical attention but was resistant. CM Valesquez said Chief of Police Hensley handled the situation very proficient.

- Chief Hensley reported the annual racial profiling report has been submitted to the Texas Commission of Law Enforcement.
- The report was accepted by the state and is now available online for the public to view.
- Mayor Zipperlen asked Chief Hensley to update the council on the status of our police officers. Chief Hensley reported that the most recent police officer hired is no longer with the department and they are back to the hiring stage.
- Mayor Zipperlen asked how the two officers on staff were doing and if Chief Hensley believed the citizens of our city are covered with just the two on staff. Chief Hensley responded the city is covered. He also stated beginning March 1, the state has implemented new procedures that must be done before a police officer can be hired. He continued stating the new procedures are state-wide and will slow down the new hire process. There are no prospective new hire officers at this time.

Municipal Court Report: Discussion points:

- CA Murray stated we have 1.9 million dollars in uncollected fines. He stated that we have a collection agency, but we do not issue warrants for unpaid fines. He is currently researching the process from the time a citation is issued until it clears court to determine where the disconnect exists. Mayor Zipperlen and CA Murray discussed the process in place to collect the fines. CM Marek asked how far back this goes. CM Murray reported it goes back ten years and that if the fine is not paid in ten years it gets thrown out and that we are almost to the ten-year mark on a large percentage of the reported amount. He stated that this loss of revenue has a big impact on a city our size and the process needs to be streamlined. CM Marek asked if a warrant could be issued. CM Murray stated the court makes the final decision and is not issuing warrants for traffic violations.
- Mayor Zipperlen stated she would call our judge and discuss.

Rosebud Volunteer Fire Department Report: **As reported.**

REDC Report: **As reported.**

Parks Department Report: Discussion points:

- Mayor Zipperlen stated the Parks and Recreation Board did go out for bids on the cement work which is the sidewalk and the borders around the play area and fitness area.
- Mayor Zipperlen asked about the liability issues the engineer had with the bridge. Jamie Moeller, chairman of the board, stated if an engineer comes to access the bridge they are going to be concerned about the liabilities before they will put a stamp of approval on it and their recommendations for the bridge may end up being costly. CA

Murray stated the bridge could be repaired without an engineer and it does not change the liability issue.

- **Mayor Zipperlen stated that the most important thing we want the public to know is their safety is our highest priority. Ms. Moller stated if we address the issues and have Woody to come look at the bridge and sign off on it then we are doing our due diligence. This needs to be done to complete Phase I.**
- **A discussion was held regarding the 4 pieces selected to complete the creative play area. The pieces are pressure treated pine wood and need to be maintained every 2 to 3 years as needed. The longevity of the items were discussed.**
- **Ms. Moeller discussed the 7 items to complete the fitness area. This was changed from the original 12 items. Mayor Zipperlen asked Jamie to confirm that this reduction in items would not affect the grant from TPWD. Jamie confirmed that was correct.**
- **Mayor Zipperlen stated there was great progress made on the park. CM Marek asked if the mulch had to be replaced often. Jamie stated we would need to top it off periodically depending on the usage approximately every 2-3 years. The mulch to be used is an engineered wood fiber common to park play areas. It will need to be maintained at a depth of 9 inches.**
- **CM Marek asked about funds. Ms. Moller reported the funds would come from the parks account from the Town Square Community Foundation to pay for the concrete sidewalks and borders. Creative play, outdoor fitness, and concrete resurfacing will cost approximately \$62,250. We have a little over 23,000 in town square. We have another grant coming in at \$5000 and another grant we have not heard back on yet but are hopeful we will get it. We are also speaking with a donor who has indicated they will make a donation. If we get these grants we are hopeful to finish this phase by the end of this year.**
- **Mayor Zipperlen asked if reducing the number of pieces in the creative play and fitness areas would still meet TPWD's specifications for funds. She also stated we can't write for another grant from TPWD until phase I is complete. Jamie stated as long as we are working toward compliance then TPWD will work with us and we are striving for completion at the end of this year.**
- **Upcoming Activities: An Easter egg hunt will be held at American Legion Park including rock climbing wall, train ride, Little Joe;s BBQ and baked goods for sugar stand (like a cakewalk for the kids). Mayor Zipperlen asked Ms. Moelle to keep the council informed of upcoming activities and the council will do all they can to help. Mayor Zipperlen stated the action item would be forthcoming and tabled the item.**

Library Report: Discussion points:

- **Kelly Hughes Librarian/grant coordinator reported a \$100 donation from Incommons Bank. Ms. Hughes applied for the Heart of Texas Roundup grant for \$1500. We haven't heard from the ARP ----- grant; they should make a decision by the end of this week.**

- **We have been spending a lot from the DLK Foundation grant, as of today I have purchased 165 items for the kids area.**
- **We had 215 items checked out last month.**

Water Cut Off/Extensions: As reported.

Caywood and Library Rentals: As reported.

Financial and Budget Reports: As reported.

VI. Consider Consent Item Agenda - Items to be considered together or separately:

CM Wallace made a motion to

- 1. approve minutes from the following Council Meetings: January 18 regular, January 21 special, January 28 special (cancelled), January 31 special and February 7 special and**
- 2. approval of January 2022 bills.**

The motion was seconded by CM Valesquez. With no further discussion, the motion was passed by unanimous vote.

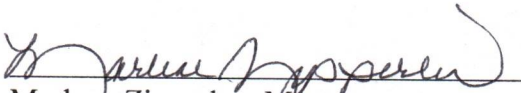
VII. Discussion and/or action on the adoption of a resolution for a five-year updated mitigation action plan; Authorizing the appointment of a hazard mitigation coordinator; and providing for effective date and open meeting clauses **A motion was made by CM Marek to adopt a resolution for a 5-year updated Mitigation action plan from the county. The motion was seconded by CM Wallace. With no further discussion, the motion was passed by unanimous vote.**

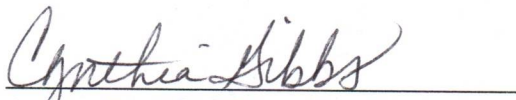
VIII. Discussion and/or action on the rental of a Landia Oxigator airjet pump to return the sewer racetrack back to operational status at a cost of \$5,200.00 every 90 days. **A motion was made by CM Wallace for the rental of the air jet pump and to return the sewer racetrack back to operational status at \$5200 every 90 days. The motion was seconded by CM Valesquez. With no further discussion, the motion was passed by unanimous vote.**

IX. Discussion and/or action regarding the recommendation on the appointment of Mark Gerngross and Charlotte Stewart to the Economic Development Commission. **A motion was made for the appointment of Mark Gerngross and Charlotte Stewart to the Economic Development Commission by CM Marek. The motion was seconded by CM Wallace. With no further discussion, the motion passed with unanimous vote.**

X. Discussion and/or action regarding the recommendation from the Parks and Recreation Board to reappointment of Erika Vergara and Michael Ogas to serve 2-year term on the Parks and Recreation Board. **A motion was made by CM Wallace to approve the recommendation on the reappointment of Erika Vergara and Michael Ogas to serve 2-year term on the Parks and Recreation Board. CM Valesquez seconded the motion. With no further discussion, the motion passed with unanimous vote.**

- XI.** Discussion and/or action regarding appointment of Stephanie Ogas and/or Cierra (Taylor) Carothers to serve a 2-year term on the Parks and Recreation Board. **A motion was made by CM Velasquez to appoint Stephanie Ogas to serve a 2-year term on the Parks and Recreation Board. The motion was seconded by CM Marek. With no further discussion, the motion passed with unanimous vote.**
- XII.** Discussion and/or action regarding the recommendation from the Parks and Recreation Board to use DeLuna Concrete to complete the sidewalk and curbs for both the Creative Play and Outdoor Fitness area for \$16,800 to be paid by the Town Square Community Foundation (TSCF). **A motion was made by CM Wallace to approve the recommendation from the Parks and Recreation Board to use DeLuna Concrete to complete the sidewalk and curbs for both the Creative Play and outdoor fitness area for \$16,800 to be paid from the Town Square Community Foundation (TSCF). The motion was seconded by CM Valesquez. With no further discussion, the motion passed with unanimous vote.**
- XIII.** Future Agenda Items.
Sewer plant
Police car grants
Easter Egg Hunt April 9th
- XIV.** Adjourn **CM Wallace made a motion to Adjourn the meeting. The motion was seconded by CM Marek. The motion passed with unanimous vote and Mayor Zipperlen adjourned the meeting at 7:48 pm.**


Marlene Zipperlen, Mayor


Attest: Cynthia Gibbs, City Secretary

