



**SOMERVILLE CITY COUNCIL
NOTICE OF A REGULAR MEETING**

April 28, 2020

6:15 PM

**SOMERVILLE SENIOR CITIZENS CENTER
17510 SH 36 SOUTH, SOMERVILLE, TEXAS**

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PUBLIC HEARING

5. CITIZEN'S COMMENTS (3 Minutes)

To comply with Ordinance No. 19-012, Rules of Conduct at Council Meetings, Section 2 and Section 3. Citizens signing up to speak at the beginning of council meetings under the item "Citizens Comments" shall, upon being recognized by the Mayor, have three (3) minutes to address the City Council. No citizen shall have more than three (3) minutes unless approved by majority vote of the Council. Citizens may also provide any additional comments or information in writing to the Council before or during their allotted time to speak.

Once the period of public statements and comments on an agenda item has concluded and council discussion begins, citizens shall not interrupt the discussion and deliberation of business by the Council; and each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public such as to disrupt the meeting.

6. REPORTS

- A. Police Department Activity Report
- B. Municipal Court Activity Report
- C. Public Works Activity Report

D. Code Enforcement Activity Report

7. CONSENT AGENDA

All Items on the Consent Agenda are to be considered self-explanatory in nature and may be enacted with one motion, one second and one vote and without separate discussion of each item. However, Council reserves the right to move any item or all items from the Consent Agenda to New Business for discussion and separate action.

A. APPROVAL OF MINUTES:

Approval of the Minutes of the March 10, 2020 Regular City Council Meeting; March 23, 2020 and March 27, 2020 Called Council Meetings.

B. FINANCIAL MATTERS:

Approval of the Statement of Revenues & Expenditures, Sales Tax Report and the Accounts Payable Check Register.

8. PRESENTATIONS

9. UNFINISHED BUSINESS

10. EXECUTIVE SESSION

The City Council will convene in executive session pursuant to (Texas Open Meetings Act), Chapter 551 of the Texas Government Code, Section 551.074 Personnel Matters; and Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on this agenda and/or as permitted by Chapter 551 of the Texas Government Code.

(1) To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

(2) To hear a complaint or charge against a public officer or employee.

11. NEW BUSINESS

Action Item(s)

Resolution R20-007 / ATMOS Energy

- A. Discuss, consider and approve (disapprove) Resolution R20-007, responding to the Application of ATMOS Energy Corp. – Midtex Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the “ATMOS Texas Municipalities”.

Frontier Communications

- B. Discuss, consider and approve (disapprove) allowing Frontier Communications to place a 190-foot tower on its property on Ace C (Memory Lane).

Resolution R20-009 / Bond Election (Resolución R20-009 / Elección de Bonos)

- C. Discuss, consider and approve (disapprove) Resolution R20-009, a resolution postponing the Special Bond Election to be held May 2, 2020, Until November 3, 2020; and ordering other matters incident and related to the postponement of such election. (Discutir, considerar y aprobar (desaprobar) la Resolución R20-008, una resolución que posicione la Elección Especial de Bonos que se celebrará el 2 de mayo de 2020, Hasta el 3 de noviembre de 2020; y ordenar otros asuntos incidentes y relacionados con el aplazamiento de dicha elección.)

Welch Park Lease Agreement

- D. Discuss, consider and approve (disapprove) authorizing the City Administrator to sign the Welch Park agreement on behalf of the City of Somerville.

12. Discussion Items

13. Mayor and Council Comments:

14. City Administrator Comments:

15. Adjourn.

Posted: 04-24-20

Time: 3:00 PM

Certified By: Rose Rosser

For more information, or to print / view detailed documentation of Agenda Items, please visit: www.somervilletx.gov Or come by City Hall to make an open records request for a copy of detailed documentation at a cost of 0.10 per page.

New Business

Action Items

Resolution R20-009

(To replace Resolution R20-008)

Bond Election

Agenda Item 11-C

RESOLUTION NO: R20-009

A RESOLUTION OF THE CITY OF SOMERVILLE, TEXAS, POSTPONING THE SPECIAL BOND ELECTION TO BE HELD ON MAY 2, 2020, UNTIL NOVEMBER 3, 2020; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO THE POSTPONEMENT OF SUCH ELECTION

WHEREAS, on February 11, 2020, the City Council (the “Council”), of the City of Somerville, Texas (the “City”), ordered a special bond election to be held on May 2, 2020; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

WHEREAS, the Governor of the State of Texas issued a proclamation on March 18, 2020, suspending Section 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision that postponed its election to November 3, 2020; and

WHEREAS, the Council finds that it is in the public interest to move the City’s election from the May 2, 2020, uniform election date to the November 3, 2020, uniform election date.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, THAT:

Section 1. Moving Election Date. The Council is exercising authority granted by the Governor’s proclamation and is hereby postponing the special bond election that would have been held on Saturday, May 2, 2020, to now be held on the next uniform election date, which is Tuesday, November 3, 2020.

Section 2. Effect of Changing Date on Applications for Ballot by Mail. All applications for ballot by mail submitted by voters that are over the age of 65 or disabled will still be valid for the November 3, 2020, election. However, applications for ballot by mail submitted by voters not over the age of 65 or disabled, but based on expected absence from the county, will **not** be valid for the November 3, 2020, election. Applications for ballot by mail for the November 3, 2020,

election based on expected absence from the county, and new applications by persons over the age of 65 or disabled, will need to be received by October 23, 2020. Any mail-in ballots already sent out by the early voting clerk that are returned by the voter to the early voting clerk will be valid for the November 3, 2020, election.

Section 4. Effect of Changing Date on Election Deadlines. Updated relevant deadlines and dates for voters for the November 3, 2020, election:

Voter Registration Deadline:	October 5, 2020
Deadline to submit an Application for Ballot by Mail:	October 23, 2020
Dates for Early Voting:	October 19, 2020 – October 30, 2020

Section 5. Effect of Changing Dates on Ordinance of Election. The Council will meet by August 17, 2020 to make any necessary revisions to the City's original ordinances ordering the election, which were adopted February 11, 2020 and March 10, 2020. Those revisions may include:

1. The change of the date of the election;
2. Any changes in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to early voting branch locations.

Section 6. Preamble Incorporation. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes, and are adopted as a part of the judgment and findings of the Council.

Section 7. Inconsistent Provisions. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters ordered herein.

Section 8. Governing Law. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that, had the invalidity been known at the time, this Resolution would have been enacted without such invalid provision.

Section 10. Notice of Meeting. The Council officially finds, determines, recites, and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution is adopted was posted on a bulletin board located at a place convenient to the public at

City Hall for at least seventy-two (72) hours preceding the scheduled time of the meeting; that a telephonic or telegraphic notice of such meeting was given to all news media who have consented to pay any and all expenses incurred by the City in connection with providing such notice, both as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended; and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered, and formally acted upon. The Governor has suspended and modified certain open meeting requirements pursuant to his disaster declaration. These changes include allowing the City to establish procedures for telephonic or videoconferenced meetings that are accessible to the public.

Section 11. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Resolution on behalf of the Council; and the City Secretary is authorized to do all other things legal and necessary in connection with the holding and consummation of the election.

Section 12. Ratification. This Resolution ratifies any communications made on or after March 23, 2020 by the City Secretary to the Elections Administrator of Burleson County, Texas, whereby the City Secretary, in an effort to assist the County in its planning of its response to the exigencies presented by the spread of the COVID19 virus, informed the Elections Administrator of the possibility that the City would postpone the election that is the subject of this Resolution, and ratifies any notices posted on the official website of the City on and, or, after April 21, 2020 notifying the public of the possibility that the City would postpone the election that is the subject of this Resolution.

Section 13. Effective Date. This Resolution is effective immediately upon its passage and approval.

PASSED AND APPROVED this 28th day of April, 2020.

Mayor, City of Somerville

ATTEST:

City Secretary, City of Somerville

[SEAL]

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS
COUNTY OF BURLESON
CITY OF SOMERVILLE

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I, the undersigned, City Secretary of said City, do hereby certify as follows:

1. The City Council of said City (the "City Council") convened in a Special Session on April 28, 2020, by teleconference, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Michal Bradford	Mayor
Debra Coleman	Alderwoman
Shelly Gotte	Alderwoman
Don Murray II	Alderman
Delfino Orozco	Alderman
Jeff Schoppe	Alderman

and all of said persons were present, except for the following: _____; thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting a written Resolution entitled:

A RESOLUTION OF THE CITY OF SOMERVILLE, TEXAS, POSTPONING THE SPECIAL BOND ELECTION TO BE HELD ON MAY 2, 2020, UNTIL NOVEMBER 3, 2020; AND ORDERING OTHER MATTERS INCIDENT AND RELATED TO THE POSTPONEMENT OF SUCH ELECTION

was duly introduced for consideration of said City Council and read in full. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. A true, full and correct copy of the aforesaid Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in the official minutes of said City Council; the above and foregoing paragraph is a true, full and correct excerpt from said minutes of said meeting pertaining to the passage of said Resolution; the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Resolution, were the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of said officers and members was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting, and each of said officers and members consented in advance to the holding of said meeting for such purpose; and said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 28th day of April, 2020.

City Secretary
City of Somerville, Texas

[CITY SEAL]

PUBLIC NOTICE

On February 11, 2020, the City Council (the “Council”), of the City of Somerville, Texas (the “City”), ordered a special bond election to be held on May 2, 2020 (“Special Bond Election”); and

On March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a general election date, but the time for making such a change has expired; and

The Governor of the State of Texas issued a proclamation on March 18, 2020, suspending Section 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office, and suspending Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision that postponed its election to November 3, 2020.

THE ADMINISTRATION OF THE CITY OF SOMERVILLE, TEXAS HEREBY NOTIIFES THE PUBLIC that it expects that the Special Bond Election will be moved from the May 2, 2020, uniform election date to the November 3, 2020, uniform election date, that administrative staff of the City has informed the Burleson County Elections Administrator of the intention to move the Special Bond Election to the November 3, 2020 uniform election date, and further, that the City Council will be discussing and possibly adopting a resolution to make said movement of the Special Bond Election official at it’s meeting on April 28, 2020.

Posted: 04-21-20