

CITY OF BURTON

COUNCIL MEETING MINUTES

A Regular Meeting of the Burton City Council at 5:30 p.m. was held on
TUESDAY, February 13, 2024, in the Burton City Hall
at 12200 E. Mulberry Street Spur 125, Burton, Texas.

Members Present:

Mayor Karen Buck

Councilmember Jeff Eckhardt

Councilmember Macey Tidwell

Councilmember Tommie Gilmon

Councilmember Paul McLaughlin

Councilmember Nathan Kalkhake

Members Absent: None

Others Present: City Secretary Angela Harrington, Utility Contractor Dustin Lozano.

Citizens Present: Sarah Forsythe (Banner Press), Susan Kiel (Burton Heritage Society), Josh Blaschke (KWHI) and Tiffany Eckhardt (Flown the Coop).

Mayor Karen Buck called the meeting to order at 5:30 pm. A quorum was established and all in attendance were led in the Pledge of Allegiance.

Citizen Presentations

Susan Kiel of the Burton Heritage Society reminded Council and those in attendance of the Texas Ranger Day on March 9th at the Historic Burton Depot. She explained some of the activities to take place that day and encouraged all to visit BurtonTexas.org. for more details.

CONSENT AGENDA

- (1) **Minutes of the January 9, 2024 Regular Meeting**
- (2) **Financial Reports-Revenue & Expenditures**
- (3) **Mayor's Report – Attached**
- (4) **City Secretary's Report – Attached**
- (5) **Utility Report - Contractor Dustin Lozano told Council of various noteworthy events that have taken place in the last month. These events included:**
 - a. The water line break in the alley behind Market Realty due to an unidentified truck getting stuck in the alley and the required Boil Water Notice (BWN) with explanation of why that BWN lasted from January 19th -27th.
 - b. The Brandie Lane leak repair that resulting in the finding and repair of 2 leaks and a BWN.
 - c. During the heavy rains of the week of January 22nd, there was a problem with water draining into the WWTP but not draining out due to root clogged lines. That problem has been fixed using the jet machine.
 - d. The water meter just outside the WWTP was believed to belong to the TP but has been found instead belong to the cotton gin. There has been a meter installed the TP to measure water usage of the plant.
 - e. The Friends & Neighbors Ballpark meter is reading correctly. Management of the park has been notified to verify that all faucets are turned off to minimize water usage.
 - f. The intake meter at the water well is going to be calibrated for accuracy.
 - g. There was some discussion on the security of a hydrant on W. Washington. The discussion resulted in the decision that it is a non-issue.
 - h. A meter has been found at the school behind the auditorium by the old cafeteria. This meter was not on the list of active meters. The meter will be read a couple of times to verify whether it is a working meter or not.

A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **ACCEPT** the consent agenda.

FOR: Eckhardt, Kalkhake, Tidwell

AGAINST: None

The motion passed.

DISCUSSION, CONSIDERATION AND/OR ACTION TO APPROVE, ACCEPT, DENY, REMOVE OR TABLE ON:

1. An Order of Election and an Election Services Contract between the City of Burton & Washington County, Texas for the May 4, 2024 General Election

The City Secretary explained that this is a routine yearly item required in the event of a general election in May. A motion was made by Councilmember Tidwell and seconded by Councilmember McLaughlin to **APPROVE**.

FOR: Eckhardt, Gilmon, Kalkhake

AGAINST: None

The motion passed.

2. An Interlocal Agreement Contract between the City and Burton ISD for the Location of the May 4, 2024 Election

The City Secretary explained that, like Item 1, this is also a routine item on the agenda every year. A motion was made by Councilmember Eckhardt and seconded by Councilmember McLaughlin to **APPROVE**.

FOR: Gilmon, Kalkhake, Tidwell

AGAINST: None

The motion passed.

3. Setting the Budget Public Hearing on the 2024-2025 City of Burton General and Water & Sewer Budgets for 5:30pm on March 12, 2024 at Burton City Hall

Another routine item, this is required for the approval of the 2024-2025 Fiscal Year budgets. A motion was made by Councilmember Kalkhake and seconded by Councilmember Tidwell to **APPROVE** and set the hearing as noted.

FOR: Eckhardt, Gilmon, McLaughlin

AGAINST: None

The motion passed.

4. Resolution 20240213 Authorizing the City of Burton to Enter into an Agreement with the State Authorizing the Closure of a Segment of the State Highway System in the Downtown Area of the City for the Annual Cotton Gin Festival scheduled for April 20, 2024

For the annual festival it is required that the City submit paperwork to TxDot due to the closure of a portion of state right of way. A motion was made by Councilmember Gilmon and seconded by Councilmember McLaughlin to **APPROVE**.

FOR: Eckhardt, Kalkhake, Tidwell

AGAINST: None

The motion passed.

5. Hiring Jmendoza Tree Service to Clear Away Brush and Trees Five to Ten Feet from the WWTP Fence Bid for a bid of \$6500

Mayor Buck and Mr. Lozano advocated the need to clear out trees and brush outside the WWTP fencing. It is unknown when that was done last and is desperately needed to prevent leaves and sticks ending up in the operating treatment area. A motion was made by Councilmember Eckhardt and seconded by Councilmember Kalkhake to **APPROVE** the expenditure.

FOR: Gilmon, McLaughlin, Tidwell

AGAINST: None

The motion passed.

6. Hiring Business Services Company to Perform a Socioeconomic Survey for Funding or Grant Application through Texas Water Development Board for a cost of \$6000

Mayor Buck told Council that this survey is required for obtaining a grant or loan forgiveness from the Texas Water Development Board. The TWDB has a demographic for the Burton zip code but not for the City of Burton. This survey will give the TWDB the information required to correctly identify the city's economic position on grants and/or loans for the repair of aging water and sewer lines. We have received approval to conduct this survey by the TWDB. A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **APPROVE** the expenditure.

FOR: Eckhardt, Kalkhake, Tidwell

AGAINST: None

The motion passed.

7. **The City's Trash Service Provider**

The mayor reviewed the events of the past year regarding the service that the city has received from our current waste disposal vendor, Texas Commercial Waste (TCW). At the regular January 2023 meeting, because of the many issues, Council voted to solicit bids from other trash disposal providers. A workshop was scheduled and held on January 24, 2023 to further discuss doing that. At the workshop meeting, Ron Schmidt of TCW attended and pled for the opportunity to improve service and continue being the city's trash collection provider. Council at that time postponed the solicitation of bids. Since then, logs have been kept on all complaints received by City Hall regarding the trash service. Also, a growing population of buzzards found Burton to be a favorable home due to the inability to securely close and lock commercial dumpsters. It was decided recently to once again address the solicitation of bids. City Hall received a call from Mr. Schmidt stating that the city is under contract until March 2nd of 2025. Mayor Buck contacted Bridgette Begel of Olson & Olson, the legal firm for the city, to find out the options that the city has to move forward. Council was told of the legal recommendations. The simple question of "Does council desire to **CONTINUE** under contract or **TERMINATE** the contract with TCW?" and the procedure for both was explained. After further discussion, a motion was made by Councilmember McLaughlin and seconded by Councilmember Tidwell to **TERMINATE** the contract with Texas Commercial Waste.

FOR: Gilmon, Eckhardt, Kalkhake

AGAINST: None

The motion passed.

By vote, all members of Council chose to terminate the contract and move through the legal steps to do so. A public hearing and special meeting on this subject will be set for February 27, 2024 to present grievances to Texas Commercial Waste and address the termination of the contract with TCW at that time.

8. **The City's Progress with Water Loss Issues and the Creation of a Water & Sewer Board**

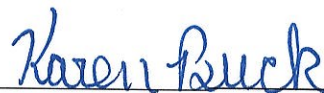
Mayor Buck presented council with a list of efforts to address the water loss issue. That list can be found attached to these minutes. The effort to change out old water meters that are suspected of not measuring usage correctly has begun. If a meter is identified as aged or has moisture, the resident will receive a letter with their monthly bill.

She also explained that so much goes into correctly operating a water and/or sewer systems that possibly a Water & Sewer Board to oversee the utility operation could be what Burton needs to stay on top of the things not covered by the Utility Contractor's Contract and the increasing state & federal regulations. The idea of a board will be addressed at a later date.

Council Entered into Executive Session at 7:01pm.

Council Reconvened into a 2024-2025 Budget Workshop Meeting.

The Meeting was adjourned at 7:35 pm.



Mayor Karen Buck

ATTEST:



City Secretary Angela Harrington

Mayor's Report – February 2024

+Covered winterization with City Contractor (water well and wastewater treatment plant); City Councilmember (fountain in city park); Friends and Neighbor representative (water system at ball fields).

+Contacted a tree service that the city previously used regarding the tree trimming needed at the wastewater treatment plant. Clarification about distance trees need to be from fence line with water contractor and tree service. Let Texas Cotton Gin know that the city would be clearing the fence line at WWTP soon.

+Contract with BEVCO and work on water lines in south Burton was cleared by city attorney. Drove to LaGrange to sign contract.

+Water Line Rupture/Disruptions – Handled in conjunction with Utility Clerk and City Contractor

Friday, January 19 – Saturday, January 27 behind Market Street Realty. All business in downtown from the old Hair Depot to Flown the Coop (Neon Moon, Citizens Bank, The Nesting Company, Burton Bridge Food Pantry, Market Street Realty, Burton Post Office, Burton Short Stop); Burton ISD and _____ residences were impacted.

Friday, February 2 – Saturday, February 3 – Water line repairs on Brandie Lane. _____ residences were impacted from just north of Horn residence on FM 1697 out FM 1697 and FM 2780.

+Attended a Water Loss webinar with Texas Water Development Board (3 hours)

+Water Loss Issue – Progress Report – see items in separate report to be discussed as an agenda item)

+Took pictures of WWTP fence line, bought supplies to lock back gate, secured WWTP.

+City Secretary and Mayor met with 2 representatives with the Brazos Valley Economic Development team. Heard about weatherization resources, energy assistance program, Economic Development Association, TX Target Communities, and the BVCOG's attempt to get a regional meeting of Chambers of Commerce together to discuss Urban Planning. Shared information received with city council members.

+Received and responded in-person to resident and business with rainwater and wastewater issues during the deluge on January 22 and 23.

+Attended in conjunction with the City Secretary the Olsen & Olsen Government Workshop in Stafford, TX.

+Continued to deal with residential and commercial waste issues with assistance of city attorney regarding city's current contract with vendor and city's attempt to change vendor.

+Received update from TX Ag. Wildlife Biologist regarding buzzard mitigation.

+FINALLY received approval from Texas Water Development Board for Burton to conduct socioeconomic survey so that we can use that data to apply for grants/loans with TWDB. Followed up with person recommended to conduct this survey.

+FOUND in the council minutes of 2007 the information needed to address culverts added to the city right-of-ways to clarify responsibility for maintenance.

+UPDATE on the mitigation grant Burton received from the General Land Office. We continue to wait for the paperwork to process. Burton is in the third group of awardees. An email will be sent when the paperwork is ready.

+Attended the Washington County Chamber of Commerce Banquet.

Volunteer time logged in January 2024 – 76 hours

City of Burton Review - Water Treatment and Wastewater Treatment Contract

Provision for Special Equipment

City to cover cost of special equipment such as backhoe for water/wastewater repairs and new installations

City to cover cost of backhoe operator plus one additional worker to equal one work crew for water/wastewater repairs and new installs

City of Burton provides the following

- All chemicals required for water/wastewater systems
- Rental of equipment needed for water/wastewater systems
- All parts and supplies required for water/wastewater repairs
- Shipping and handling charges on parts
- Testing instruments required for water/wastewater systems
- Jet machine from City of Brenham to clear stoppages
- Supplies and equipment used for maintenance of water/wastewater systems
- Sludge removal from wastewater treatment plant
- Lead and Copper Testing
- Water and sewer samples fees
- New and renewal permit applications
- Fence repair
- Construction inspections
- Elevated water tower inspections and bulb replacement
- Work to water well
- Work to major component of water or wastewater plant
- Annual Consumer Confidence Report

Work Orders from City Hall (not in monthly maintenance)

- Water and sewer line replacement or extensions
- Fire hydrant repairs or replacements
- Water and sewer tap or tap locating
- Damages done by other than the City of Burton

NOT COVERED by either Contractor or City in Agreement

- Boil Water Notice Protocol - Mayor
- TCEQ Water Conservation Plan - Mayor
- Drought Contingency Plan - Mayor
- Impact Fees - From "How to" to "Done"
- TCEQ Lead Line Service Inventory - Utility Clerk + Contractor
- Water Meter Readings - Meter Reader
- Plans to upgrade/replace meters
- Water Reports to City Council or City Staff
- Required attendance of contractor at Council Meetings
- Yearly review of contractor performance/contract
- Maintenance of Wastewater Treatment Plant Fenceline + Fence - Mayor
- Security of Water Well sites and Wastewater Plant - City Secretary's Husband (well) + Mayor (WWTP)

Monthly Reports to City Council or City Staff
TWDB Water Use Survey - Utility Clerk
TWDB Water Loss Audit - Utility Clerk
TCEQ Annual Conservation Report - Utility Clerk
TWDB Utility Profile - Utility Clerk
TCEQ Emergency Preparedness Plan - Utility Clerk
TCEQ Tier 2 Core Data Report - Utility Clerk
TCEQ Permit Renewal for Wastewater Treatment Plant - City Secretary
Lock/Unlock Meters - Meter Reader

Secretary's Report

February 13, 2024

1. I have continued working on the Rate Study for the Utilities.
2. Letters have been sent to 4 different property owners on Nueces St. and W. Burton St. Large rats and snakes have become an issue for neighbors due to the neglected properties.
3. Letters have been sent to 5 trash disposal companies including our current provider, Texas Commercial Waste.
4. The mayor and I met with Jan Morris and Joe Allan of the Brazos Valley Council of Governments. This gave us both a better understanding of what the BVCG does and offers.
5. The mayor and I attended a seminar given by our legal firm, Olson & Olson on Jan. 25th.
6. Wesley Stolz, the County Engineer, and Rowdy ?, with Road & Bridge, met with me on Feb. 7th to look at our street needs. The same list of repairs planned for 2023 (not completed) will be on the 2024 list with one addition, Brandie Lane. I hope to have the estimates prior to the March meeting for a more accurate budget.
 - a. We also spent some time on W. Washington just past the FM 390 @ Hwy 290 intersection. At that location, the road is falling off into the creek. (This is the same issue that made it a requirement to put in the new W. Washington lift station.) Wesley said a total fix would be priced at Two (2) to four (4) hundred thousand dollars due to extensive engineering work and construction required to make the land stable. The County is not able to do something so intensive. He will be including a price to "level up" that portion of the road with his estimate; but, this would be a temporary fix if council chooses to do that.

LATE
EMAILING
PKTS.
DISPATCH
RPT

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:)

Early Voting Clerk
Name of Early Voting Clerk

(Nombre del Secretario/a de la Votación Adelantada)

100 E. Main St.
Address (Dirección)

Brenham 77833
City (Ciudad) Zip Code (Código Postal)

979-277-6264
Telephone Number (Número de teléfono)

cjackson@washingtoncountytexas.gov
Email Address (Dirección de Correo Electrónico)

www.co.washington.tx.us
Early Voting Clerk's Website (Sitio web del Secretario/a de Votación Adelantada)

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on:
(Las solicitudes para boletas que se votarán adelantada por correo deberán recibirse no más tardar de las horas de negocio el:)

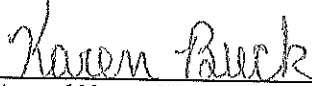
04 / 23 / 2024
(date)(fecha)

Federal Post Card Applications (FPCAs) must be received no later than the close of business on:
(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:)

04 / 23 / 2024
(date)(fecha)

Issued this 13th day of February, 20 24.
(day) (month) (year)

(Emitida este día 13th de Febrero, 20 24.)
(día) (mes) (año)


Signature of Mayor (Firma del Alcalde)

Signature of Councilperson
(Firma del Concejal)

Signature of Councilperson
(Firma del Concejal)

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INTERLOCAL ELECTION CONTRACT

May 4, 2024

STATE OF TEXAS)(

COUNTY OF WASHINGTON)(

THIS CONTRACT AND AGREEMENT is by and between CITY OF BURTON, TEXAS, AND BURTON INDEPENDENT SCHOOL DISTRICT,

All parties acting herein under the authority and pursuant to the terms of Section 31.092 of the Texas Election Code and Chapter 791 of the Government Code of Texas.

WHEREAS, according to House Bill 1, third called session, 2006, school districts must now have joint polling places on Election Day with the city;

It is the purpose of this agreement between the contracting parties whereby the City of Burton and Burton Independent School District provide voting services to the public.

NOW, THEREFORE the CITY OF BURTON and BURTON INDEPENDENT SCHOOL DISTRICT agree: each entity will conduct individually their own elections to be held in one central location.

This agreement shall be effective for the election to be held on May 4, 2024, only.

WITHDRAWAL: If one or more of the entities participating in this contract should have no contested races they are permitted by state law to declare the unopposed candidates duly elected, and it is hereby agreed that the entity may withdraw from this contract and this contract will be adjusted to accommodate the remaining entity.

IN WITNESS WHEREOF, CITY OF BURTON and BURTON INDEPENDENT SCHOOL DISTRICT have caused this agreement to be duly executed this the 13TH day of FEBRUARY, 2024.

ATTEST: CITY OF BURTON

Angelo Harrington
CITY SECRETARY

BY: Karon Beck
MAYOR



ATTEST: BURTON INDEPENDENT SCHOOL DISTRICT

SECRETARY, BOARD OF TRUSTEES

BY: PRESIDENT, BOARD OF TRUSTEES

RESOLUTION NUMBER 20240213

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE STATE AUTHORIZING TEMPORARY CLOSING OF A SEGMENT OF THE STATE HIGHWAY SYSTEM

WHEREAS, the Texas Department of Transportation has adopted rules for certain temporary non-department use of the State Highway right of way that became effective March 1, 1995, and;

WHEREAS, the City of Burton has granted approval for the annual "Cotton Gin Festival" special event celebration to be April 20, 2024 and;

WHEREAS, certain "Cotton Gin Festival" activities are planned to be held on a segment of the State Highway system which will require temporary closure of the downtown area on Spur 125 and FM 390;

WHEREAS, the "Cotton Gin Festival" promotes tourism and has a positive economic effort thereby serving a public purpose.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS

That the city is authorized to enter into an agreement with the state for temporary closure of a segment of the State Highway system and;

That this resolution shall become an exhibit to such agreement.

PASSED, APPROVED AND ADOPTED THIS
THE 13th DAY OF FEBRUARY, 2024.


Karen Buck
Karen Buck, Mayor

ATTEST:

Angela Harrington
Angela Harrington, City Secretary

Water Loss Issue – Progress

**December 14, 2023* – Mayor asks city councilmembers to do a “bucket test” on their meters. All council members live in different parts of town; receive their water from different water service lines; and (perhaps) have differently aged meters. Results were hit/miss and not far off from the meters.

**January 9, 2024* – Mayor spoke with TCEQ’s Financial, Management and Technical Assistance Program Staff regarding the city’s water issues. Two tasks were assigned with Garry with Texas Rural Water Association to follow up with the city regarding system assessment/overview and water loss.

Council informed of water loss tracked through 2023. Highest water loss for 2023 was 74.54% in September and the lowest at 54.81% in November.

In report to City Council, Utility Clerk made report of unaddressed water leak on Brandie Lane.

**January 10* – Met with a Third Party to learn more about water loss and water management, including wastewater management

**January 16* – Utility Clerk and Mayor attended a Texas Water Development Board Webinar on Water Loss (3 hours)

**January 17* – Meeting scheduled with Susie Blake, Regional Extension Manager with TEEEX (Texas A&M Engineer Extension). Due to a change in the way that TEEEX is now deployed, also included at the meet were James Fisher, TEEEX Director of Training; Bryan Scheffer, TEEEX Regional Training Coordinator of Region 2; Troy Keller, TDEM (Texas Division of Emergency Management) County Liaison Officer with Washington County; and Billy Ruemke, Washington County Emergency Management Coordinator. This group of leadership was amazing to work with as they offered quite a list of ideas and ways to begin to address and trace water loss issues here in town.

Tasks that Came Out of the Meeting

Contractor – Recalibrate meter on the water well to ensure that gallons pumped are correct.

Replace meter at the wastewater treatment plant

Put a meter on the pipe hydrant at the American Legion, perhaps with a lock. (ON HOLD)

Test the Ball Park meter.

Utility Clerk – Pull “Top 10” water users to review usage

Pull bottom “111” who used less than 2,000 and review usage

Reconcile zero and active use meters in reports

Spend some time with RVS support for the water software

Mayor - Meet with Contractor. (This has happened via phone calls, texts, and email. All items needing addressing are in print for ease of tracking and clear communication.)

Mayor emailed Contractor (with picture attached) a written request to fix the leak on Brandie Lane.

**January 18* – To clarify “who” is responsible for “what”, Mayor pulled the city’s contract with current contractor/vendor. (Lists of responsibilities of both city and contractor are attached...as are the gaps in responsibilities.)

Utility Clerk prints off “Top 10” and “Botton 111” water users. Usage numbers for all of 2023 are evaluated. List of residential and commercial water customer meters identified as needed to be checked/replaced sent to contractor.

**January 22* – Mayor meets Utility Clerk and the Meter Reader. Mayor asks Meter Reader to begin to reporting what meters need testing/replacing, the Meter Reader shared information about a “mystery meter” at Burton ISD that he was told to “skip” +8 years ago.

Utility Clerk calls water management software company regarding water loss issues.

**January 23* – FOUND – Faucet just outside of wastewater treatment plant was “on”; water running downhill and filling Indian Creek.

December meter usage was entered for January billing. FOUND – water usage discrepancies at Wastewater Treatment Plant.

October – 6,500 gallons

November – 0 gallons

December – 655,700

Priority of meter change out at WWTP moved up.

**January 24* - Meter Reader and Director of Maintenance at Burton ISD looked at the “mystery meter” and determined that there was no shut off valve to test what the meter actually metered. Matter referred to Contractor with the city.

**January 25* – Since January Council Meeting, Mayor has been reading Council minutes from 1990-2007, noticing what was in them and what was missing. While at an educational event, City Secretary and Mayor begin discussion about lack of management oversight by the city/council since the city took over responsibility for the water supply back in the 1984. Discussed the creation of a Water & Sewer subcommittee of the City Council. Brainstormed who might be good to serve on such a committee. (This committee and its membership would be subject to the laws of the State of Texas regarding Public Information Act and Open Meetings Act AND would have to file a monthly report/appear in person for report at City Council meetings. Members of this committee should also be residents with *both* water AND sewer supplied by the city.)

**January 26* – Mayor Pro-Tem/Volunteer Firefighter created and installed in each fire truck water usage logbooks to be used when the fire trucks are re-filled and/or to guesstimate hydrant usage.

**January 30* – DISCOVERY – Wastewater Treatment Plant (WWTP) does not have a meter. Water meter thought to belong to WWTP actually belongs to the Texas Cotton Gin. TCG now has 3 meters on its account and encouraged to lock the meter on the “Cotton Gin Field” account.

NOTE: 655,700 gallons that ran downhill equates to about 19 days of a faucet being left on. This is also equivalent to an income loss for the city of \$2,167.72.

**January 31* – First report from Fire Department Chief regarding monthly usage. January usage of the fire department was 50 gallons of water.

Water usage/loss reports for January printed. Water loss is now showing 6.54%. Utility Clerk made follow-up phone call to software company to understand the

“math”.

Mayor emailed representative with Chappell Hill Water Supply (CHWS) to ask for copy of guidelines/by-laws.

**February 1* – “Cotton Gin Field” account created.

New WWTP meter installed.

New meter installed on “Cotton Gin Field” account.

Burton ISD follow up scheduled for next week.

Mayor received by-laws from CHWS as well as fee schedules.

**February 2* – Contractor repaired leak on Brandie Lane. Immediate call back for another leak. A 40-year old valve was replaced on the call back.