

# **CITY OF BURTON**

## **COUNCIL MEETING MINUTES**

A Regular Meeting of the Burton City Council at 5:30 p.m. was held on  
**TUESDAY, July 9, 2024,** in the Burton City Hall  
at 12200 E. Mulberry Street Spur 125, Burton, Texas.

### **Members Present:**

Mayor Karen Buck  
Councilmember Jeff Eckhardt  
Councilmember Paul McLaughlin

Councilmember Nathan Kalkhake  
Councilmember Macey Tidwell  
Councilmember Tommie Gilmon

### **Members Absent:** None

**Others Present:** City Secretary Angela Harrington, Utility Clerk Rachel Belvin, Utility Contractor Dustin Lozano

**Citizens Present:** David Riggs, Ned Ross, Sarah Forsythe (Banner Press), Joshua Blaschke (KWHI), Tiffany Eckhardt (Flown the Coop), Dr. Brandon Schulte, Susie Tommaney, Susan Kiel (Market Realty), Dale & Sue Schwartz, Mark Reyes, Brandon & Brittany Thibodeaux, and Hollie Janecka & Kelly Hajek of Strand Associates.

**Mayor Karen Buck called the meeting to order at 5:31 pm. A quorum was established and all in attendance were led in the Pledge of Allegiance.**

### **CITIZEN PRESENTATIONS**

Tiffany Eckhardt read a written statement on the history with the city regarding an Economic Development Corporation and shared knowledge of how other small local towns are handling economic development.

Dr. Brandon Schulte introduced himself to council and then detailed he and his partners plans to purchase 210 S. Railroad and open a Veterinary Clinic at that location. The clinic will offer services to big and small animals including boarding.

Susie Tommaney thanked the council for their service and spoke regarding the "Simplified Subdivision Ordinance" listed under the Discussion Only agenda. She would like to remind council to think about its economic impact on the city and the owners of larger plots of land that could be divided.

Susan Kiel is concerned about the community of Burton. She believes that the city has made so much good progress and that we all want the best for Burton but we all need to concentrate on getting back on the same page. She stated that her wish for Burton is to, not just survive, but to thrive. She is hoping that we can all unite as the city moves forward.

Mark Reyes stated that he wasn't able to make the last meeting but when reading the minutes of the June 11 meeting, he noted that the block he lives on was included as an example and had questions regarding that.

Brandon Thibodeaux introduced himself and said that he just wanted to come to see what all is happening in regards to things being spoken about around town.

### **CONSENT AGENDA**

- (1) **Minutes of the June 11, 2024 Regular Meeting**
- (2) **Financial Reports-Revenue & Expenditures**
- (3) **Mayor's Report – Attached.**
- (4) **City Secretary's Report – None**
- (5) **Utility Report – Attached**

Contractor Dustin Lozano informed council of various events regarding the water and sewer systems: 1. St. John's new water meter installed on Trinity St.; 2. A leak was fixed between S. Main and S. Brazos on Hickory St.; 3. An old meter found at the school has been deemed unused; 4. A new main meter for the school will be installed; 5. There has been a control issue at the water plant that he is still finding a solution to; and, 6. The generator for the water plant has been installed and just waiting for Fayetteville Propane to deliver and hook up a 1000 gallon propane tank to put it in operation.

A motion was made by Councilmember Kalkhake and seconded by Councilmember Tidwell to **ACCEPT** the consent agenda.

FOR: Eckhardt, McLaughlin

AGAINST: None

The motion passed.

**PRESENTATION:** Hollie Janecka and Kelly Hajek, of Strand Associates, introduced themselves to council and proceeded to walk all in attendance through a presentation outlining the qualifications that would make the firm a good match to be hired as an on-demand or as-needed engineering service provider.

#### **CONSIDERATION AND/OR ACTION ON:**

**1. Review and Take Possible Action on Amending the June 4, 2024 Workshop Meeting Minutes**

A quote included in the June 4, 2024 workshop meeting minutes has been asked to be corrected. A portion of the recording of that meeting was played for all to hear. Councilmembers Kalkhake and Gilmon abstained from voting due to their absence at that meeting and Councilmember Eckhardt abstained due his relationship with the requester. A motion was made by Councilmember Tidwell and seconded by Councilmember McLaughlin to **STRIKE** the sentence including the quote from the minutes.

The motion passed.

**2. Resolution 20240709R of the City Council of the City of Burton, Texas, Authorizing the Mayor to Execute an Access and Public Utility Easement Agreement**

It was explained that this resolution is in regards to a utility easement required to complete the new water line installation on S. Brazos St. A motion was made by Councilmember Gilmon and seconded by Councilmember Tidwell to **APPROVE**.

FOR: Eckhardt, Kalkhake, McLaughlin

AGAINST: None

The motion passed.

**3. An Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool to Form a Joint Self-Insurance Pool to be named the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund**

The City Secretary explained to council that the Texas Municipal League Intergovernmental Risk Pool is creating a separate pool regarding Cyber Security and Data Breach coverage. There was discussion on the changing the limit selection from Core to Core+ which provides more coverage. A motion was made by Councilmember Eckhardt and seconded by Councilmember Tidwell to **APPROVE**.

FOR: Gilmon, Kalkhake, McLaughlin

AGAINST: None

The motion passed.

**4. Ordinance 20240709 Effectively Repealing Ordinance 9122001**

This item has been discussed at the last several meetings. A motion was made by Councilmember McLaughlin and seconded by Councilmember Gilmon to **APPROVE**.

FOR: Eckhardt, Kalkhake, Tidwell

AGAINST: None

The motion passed.

**5. New Camera Security System for City Hall**

The City Secretary explained that she had attempted to get 2 mores quotes as suggested at the last meeting but was only able to get quotes from Easy Access Technologies. Council discussed how many cameras they thought were needed and asked her to get addition estimates with only 4 cameras and ask about a warranty. No action was taken and this item was tabled.

**6. Approve Using \$1525 of the \$1848.92 in the Burton Beautification Committee Account to Relocate the Existing Flagpole in Laas-Weeren Park and Extend the Electric Line for Lighting**

Councilmember Paul McLaughlin informed council of the specifics. Council was assured that Heidi at the Nesting Company which shares a property line with the park had been told of the plans and she did not have any issues with it. A motion was made by Councilmember Eckhardt and seconded by Councilmember Kalkhake to **APPROVE** the expense.

FOR: Gilmon, McLaughlin, Tidwell

AGAINST: None

The motion passed.

**7. Amended Budgets for Fiscal Year 2024-2025 Reflecting Actual Income and Expenses of the First Quarter of the Fiscal Year**

Mayor Buck walked council through the differences in the actual expenses and income to the budgeted. Some discussion was made. A motion was made by Councilmember McLaughlin and seconded by Councilmember Kalkhake to **APPROVE**.

FOR: Eckhardt, Gilmon, Tidwell

AGAINST: None

The motion passed.

**8. Approve Opening a New Checking Account with \$10,000 from the General Fund to be Designated "GLO 24-065-042-E534" with this Account Only to be Used for the Funds Received through the General Land Office CDBG Mitigation Program Having all Elected Officials as Authorized Signers on the Account; Giving the City Secretary Informational Access Regarding the Account; and Adding this Account to Online Banking**

City Secretary, Angela Harrington, told council that she had neglected in the previous meeting to include ALL the phrases needed in order for the bank to move forward. A motion was made by Councilmember Gilmon and seconded by Councilmember McLaughlin to **APPROVE**.

FOR: Eckhardt, Kalkhake, Gilmon, Tidwell

AGAINST: None

The motion passed.

**9. Review and Take Possible Action on Approval of BEFCO Engineers or Strand Associates for Engineering Services for the Proposed City of Burton 2025 TWDB DWSRF Project**

The mayor told the council about questions she had called and asked previous customers regarding Strand due to the city's lack of experience working with them. It was also pointed out that the city is currently working with BEFCO on two (2) other grant projects involving the Texas Dept. of Agriculture and the Texas General Land Office with great success. The members of council took some time to review the qualifications. A motion was made by Councilmember Eckhardt and seconded by Councilmember McLaughlin to **APPROVE** Strand Associates for Engineering Services for the project.

**10. Review and Take Possible Action of Approval of Langford Community Management Services for Grant Administration Services for the Proposed City of Burton 2025 TWDB DWSRF Project**

Mayor Buck explained that the city only received one response to the RFQ for Administration Services and that LCMS is already working with us on the two (2) current grant projects. A motion was made by Councilmember Tidwell and seconded by Councilmember Gilmon **APPROVE** Langford Community Management Services for Administration Services for the project.

**DISCUSSION ONLY**

**1. Economic Development Corporation – Chapter 1**

Mayor Buck had, in a previous meeting, asked council to read Chapter 1 of the Texas Municipal League's Economic Development Handbook to prepare for discussion regarding an EDC. She also supplied them with a summary of key points in that chapter with the differences in a Type A and Type B. Councilmember Eckhardt shared that he had found videos on the Texas Comptroller's website that would also be good to watch.

There was discussion of the portion of sales tax that cities are allowed to designate for an EDC. The City Secretary explained the breakdown of the current sales tax allocation. The sales tax rate cannot go over 8.25%. Currently, the state receives 6.25%, Washington County receives 0.5% and the city receives 1.5% of the total sales tax rate.

Councilmember Eckhardt asked about doing some type of survey to determine the residents desire for the city of Burton in order to clarify whether an EDC is appropriate for this small municipality. The City Secretary stated that we could do that but would need questions to ask in order to get answers. She encouraged council to come up with some questions to pose on a survey and send them to her.

2. Simplified Subdivision or Land Division Ordinance as recommended by Olson & Olson (if available)
3. Ball Park Use Agreement between the City and Friends & Neighbors as recommended by Olson & Olson (if available)

Our City Attorney at Olson & Olson had not provided City Hall with the drafts of these documents prior to the meeting. Discussion on these items will take place on a later date.

4. Laas-Weeren Park Use & Rules as recommended by Olson & Olson (if available)

Council was presented with a draft of a new Laas-Weeren Park Use and Rules Ordinance for consideration. There was very little discussion and council indicated approval for this ordinance to be on the August agenda.

**The Meeting was adjourned at 7:52 pm.**

FOR: Eckhardt, Kalkhake, McLaughlin, Tidwell  
AGAINST: None

  
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Mayor Karen Buck

ATTEST:

  
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City Secretary Angela Harrington

## **Mayor's Report July 2024**

The activities in the month of June included –

+Following the Workshop on June 4 and questions about engineering needs in Burton, I created a DRAFT of projects/issues that would need assistance from an engineer. This was included in the Council Meeting packet on June 11, 2024.

+Finished the research and documentation on the “Fred Line”, the main water line in downtown Burton that also serves FM 1697, FM 2780, and Burton ISD. This document was mailed to the council members and part of the council packet for the meeting on June 11, 2024. This same information was sent to the engineering firms who submitted an RFQ for this project.

+TXDOT has addressed the water drainage cover issues at the White Horse.

+TXDOT also took care of the large, dangling tree limb near the Short Stop that was also causing visibility issues for people crossing the road from Short Stop to the High School. A letter was sent to the owner of the lot back in April asking him to take care of the limb. Non-response from owner to the issue.

+Ballpark has been having issues with a local dog roaming the park during baseball games. Angela had signs made regarding the city's dog leash law. Signs were picked up and will be posted at the ballfields.

+Terri Smith, contact with Friends and Neighbors Ballpark, knows that the City of Burton is working with our city attorney regarding a document of agreement between the City and the Ballpark. Further discussion with Council regarding that document will take place when we have it in hand.

+Gave the citizens of Burton a quarterly update on where we are in process on many activities here in town including where we are in the process with Water Well #5.

+Phone call from citizen regarding her carport in the city's right-of-way. Citizen said that she would take care of it.

+Worked on a summary of chapter 1 of the Texas Municipal League's Economic Development Handbook for Council. Copy is attached in council packet for meeting on July 9, 2024.

+Visit and onsite visit with landowner in South Burton regarding drainage issues on his property via city installed culvert and erosion diversion impact from where water was supposed to drain. Added this issue to the previous list for a city engineer to further assess.

+Onsite visit to the drainage issue connected with the one above per request from different landowner and drainage impact issues on his property with regard to city/railroad installed drainage culverts.

+In preparation for hurricane season and the summer heat, created a "homebound watch list" for the city. The list is comprised of citizens considered "vulnerable" due to health related issues.

+Sat down with City Secretary Angela and Council Member Paul to begin assessing the RFQs for the "Fred Line" water line replacement project. Outcome was to call around and check references.

+Called City of Brenham regarding reference check; waiting on a call back.

+Attended the funeral service for Mr. David Germain who served briefly as mayor in 1989.

+Cement pad and generator have been installed for the emergency generator for Water Well #4. Contractor for the generator and the propane company are working on the next step – installation of the propane tank.

+Received letter from the Texas Water Development Board regarding the City of Burton's Socioeconomic Survey Review and **Approval** for Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF) Program...for the **next 60 months**.

**Total volunteer hours for the month of June – 50.75**

### JULY UTILITY REPORT:

- Work is still being done across the bridge- S Railroad is completely done and they are on their new water line. We have had several complaints during this project- from broken fences, to leaks, to drive ways being torn up. Dustin will have a checklist of the complaints and will be handled before they get their payment.
- New meters were installed by Dustin and his guys a couple weeks ago; I will be sending Dustin another list of change outs to do for this month.
- We had a couple leaks that were repaired by Dustin in a prompt manner; also had a sewer back up that was fixed.
- Had a phone call with TCEQ on our water use survey- numbers were slightly different so they wanted to make sure all was okay on our end. I told them we did a major clean up in our system from previous admin so the change was okay.
- We got a letter from TCEQ on our OWQP- optimal water quality report from when the city was put on corrosion control for a failed lead & copper sampling. We were on a strict protocol from a couple years and had to test quit a bit due to this, but all is great and we were approved from that.
- Dustin should be getting route 1 of the new Lead and Copper line program that is due in October.
- The new generator for the water well is installed and we should be getting propane for it this week sometime, just in time for hurricane season.

# System Totals Report

City of Burton

Water Pumped This Month	1,301,900 Gallons
Water Sold This Month	1,166,220 Gallons
Water Used for Fire and Flushing Line	80,000 Gallons
Water Loss	55,680 Gallons
Water Loss (%)	4.28 %

	Amount (\$)	# Of Accounts
Total Water	11,294.81	219
Total Sewage	7,423.10	193
Total GARBAGE	4,381.00	207
Total Adjustments	(43.00)	1
<b>Total Current Charges</b>	<b>23,055.91</b>	<b>230</b>
Amount Past Due 1-30 Days	3,887.54	40
Amount Past Due 31-60 Days	2,122.60	25
Amount Past Due Over 60 Days	5,238.98	20
Amount Of Overpayments/Prepayments	(1,771.00)	39
<b>Total Receivables</b>	<b>32,534.03</b>	<b>242</b>

Total Receipts On Account	20,395.41	186
Net Change in Deposits	-150.00	1
Amount of All Deposits	28,377.95	220
Amount of All Deposit 2	100.00	2
Turned Off Accounts (Amount Owed)	937.61	42
Collection Accounts (Amount Owed)	613.01	19
Number Of Unread (Turned On) Meters		5
Average Usage For Active Meters	4,963	235
Average Water Charge For Active Meters	51.57	219

Usage Groups	Gallons	# Of Accounts	Usage	Gallons	% Of Usage	% Of Sales
Over 50,000		2	249,600		21.40	0.00
40,001-50,000		1	46,200		3.96	1.65
30,001-40,000		0	0		0.00	0.00
20,001-30,000		3	72,400		6.21	3.03
10,001-20,000		10	139,940		12.00	6.50
8,001-10,000		14	127,010		10.89	8.23
6,001-8,000		24	164,430		14.10	12.52
4,001-6,000		27	136,700		11.72	13.00
2,001-4,000		53	162,070		13.90	22.23
1-2,000		76	67,870		5.82	27.57
Zero Usage		25	0		0.00	5.27
<b>Total Meters</b>		<b>235</b>	<b>1,166,220</b>		<b>100.00</b>	<b>100.00</b>



**RESOLUTION NO. 20240709R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS AND PUBLIC UTILITY EASEMENT AGREEMENT FOR APPROXIMATELY 4,013 SQUARE FEET OF LAND SITUATED IN THE THOMAS BORDEN LEAGUE, A-16, IN WASHINGTON COUNTY, TEXAS.


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS:

Section 1. That the Mayor is hereby authorized and directed to execute an Access and Public Utility Easement for approximately 4,013 square feet of land situated in the Thomas Borden League, A-16, in Washington County, Texas with Ande Bostain. A copy of the Access and Public Utility Easement Agreement is attached hereto as Exhibit "A" and made a part hereof for all purposes.

PASSED, APPROVED, AND RESOLVED this 9th day of July, 2024.

  
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Karen Buck  
Mayor

ATTEST:

  
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Angela Harrington  
City Secretary

# **Texas Municipal League Intergovernmental Risk Pool**

1821 Rutherford Lane, First Floor • Austin, Texas 78754

## **CYBER LIABILITY AND DATA BREACH RESPONSE INTERLOCAL AGREEMENT**

This Contract and Interlocal Agreement is entered into by and between political subdivisions of this state (hereinafter referred to as "Pool Members") to form a joint self-insurance pool to be named the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund (hereinafter referred to as the "Fund") for the purpose of providing coverages against risks which are inherent in operating a political subdivision.

### **WITNESSETH:**

The undersigned Pool Member, in accordance with Chapter 2259, Texas Government Code, the Interlocal Cooperation Act, Tex. Gov't Code § 791.001, et seq., and the interpretation thereof by the Attorney General of the State of Texas (Opinion #MW-347, May 29, 1981), and in consideration of other political subdivisions executing like agreements, does hereby agree to become one of the Pool Members of this self-insured pool. The conditions of membership agreed upon by and between the parties are as follows:

1. **Definitions of terms used in this Interlocal Agreement.**
  - a. **Board.** Refers to the Board of Trustees of the Fund.
  - b. **Fund Year.** 12:01 a.m. October 1 through 12:01 a.m. the following October 1.
  - c. **Manual Rates.** The basic rates applicable to each cyber liability and data breach response classification promulgated by the Insurance Service Office or the Board.
  - d. **Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan.** The Cyber Liability and Data Breach Response Coverage Document that sets forth in exact detail the coverages provided as part of the overall plan.
  - e. **Adjustments.** Refers to any offsets to manual premium that may result from the Pool Member's election of deductibles, loss experience, or Fund Modifier which reflects the savings to the Pool Member by entering into this Interlocal Agreement.
  - f. **Premium and Contribution.** Used interchangeably in some parts of this Interlocal Agreement. Any reference at any time in this Interlocal Agreement to an insurance term not ordinarily a part of self-insurance shall be deemed for convenience only and is not construed as being contrary to the self-insurance concept except where the context clearly indicates no other possible interpretation such as but not limited to the reference to "reinsurance."
  - g. **Reimbursable Deductible.** The amount that was chosen by this Pool Member to be applicable to the first monies paid by the Fund to effect judgment or settlement of any claim or suit. The Pool Member, upon notification of the action taken, shall promptly reimburse the Fund for all or such part of the deductible amount as has been paid by the Fund. Further, however, the Fund's obligation to pay damages shall be subject to the limits of liability stated in the Declarations of Coverage or Endorsements to this Interlocal Agreement less the stated deductible amount.
  - h. **Fund Modifier.** A percentage figure that is applied to the manual rates by the Fund to reflect the savings to the Pool Member by entering into this Interlocal Agreement.
  - i. **Agreement Period.** The continuous period since the Pool Member first became a member of this Fund excluding, however, any period or periods of time therein that the member did not participate as a member of the Pool.
  - j. **Declarations of Coverage.** The specific indication of the coverages, limits, deductibles, contributions, and special provisions elected by each individual Pool Member. The Declarations of Coverages may be modified by Endorsement.
2. **The Board, acting through its agents and Fund staff, is responsible for the administration of all Fund business on behalf of the Pool Members.**
3. **In consideration of the execution of this Interlocal Agreement by and between the Pool Member and the Fund and of the contributions of the Pool Member, the coverage elected by the Pool Member is afforded according to the terms of the Texas Municipal League Cyber Liability and Data Breach Response Self-Insurance Plan. The affirmative declaration of contributions and limits of liability in the Declarations of Coverage and Endorsements determine the applicability of the Self-Insurance Plan.**

**CITY OF BURTON ORDINANCE NO. 20240709**

**AN ORDINANCE OF THE CITY OF BURTON REPEALING ORDINANCE NO. 9122001 OF THE  
CITY OF BURTON, TEXAS.**

**WHEREAS**, the City of Burton City Council's determination is that the need for an ordinance governing alcoholic beverages on city property is unnecessary, unwanted and needless; and

**WHEREAS**, law enforcement within the limits of the City of Burton is provided by the Washington County Sheriff's Department as outlined in an Interlocal Agreement; and


**WHEREAS**, the Texas Penal Code, Title 10. Chapter 49 adequately provides for offenses involving intoxication and alcoholic beverages in public;

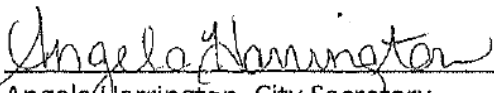
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BURTON, TEXAS:**

That Ordinance No. 9122001 is all-inclusively repealed.

**This ordinance shall take effect immediately from and after its passage.**

**PASSED AND APPROVED THIS** 9th **DAY OF** July, 2024.

  
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Karen Buck, Mayor

  
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Angela Harrington, City Secretary

## **Growth in Burton**

### **Remodel 2023/2024**

Dollar General – added more groceries; fresh options

Citizens State Bank

Los Patrones – remodel of kitchen

Brazos Belle – in process of remodeling

Burton ISD Bond Project Expansion

### **Opened/Expanded 2023/2024**

Burton Short Stop Icehouse – open air bar w/ live music

Burton Bridge Ministry Furniture Store

Fabian Design Studio

\*\*Schulte Vet Clinic

\*The Cactus (re-opened; just outside of the ETJ)

New business opening at old site of funeral home

~~New Air BNB at Hair Depot~~

### **Noteworthy**

Addition of EMS helipad for transport