

MINUTES OF WORKSHOP: FEBRUARY 7, 2023

Mayor Muska called the workshop to order at 5:32 pm.

Agenda item #8 – The school is requesting annexation into the city for 30.3 acres of land located at 825 Cottonwood Road (site of the new West Elementary School) and 1.84 acres of FM 2114. A public hearing will be held before this council meeting. This will basically bring the school and that portion of the road into the city.

Agenda item #9 – this ordinance will establish the school zone for the new West Elementary School. The maximum speed limit of the school zone is 35 miles per hour during the hours when children are going to and from school and during other specified intervals of operation in accordance with TXDOT.

Nicole Nemec who works at the McLennan County Tax Office, spoke regarding agenda item #11, golf cart licensing. She said that the process of obtaining a golf cart license from her office is super easy. There is no registration involved, just fill out a simple form, it gets filed, and the golf cart is entered into the state system. She is currently in the process of working with the state to get more license plates in the West office. West has around 70 registered golf carts currently, so we know that we at least need that amount, not to mention those that are new to the city. She said once you obtain the license plate you will not need to renew it. If you sell the golf cart, then the new owners will need to obtain a new golf cart license plate. Nicole said that if the city is good with this she will need the ordinance, a copy of the council minutes approving the ordinance, and the number of current registered golf cart licenses on city letterhead.

Agenda item #12 – Junior Girl Scout, Abigayle Melton with Troop 7074 would like to propose a recycling project. The program challenges her Troop to collect 500 pounds of plastic bags and film over a 6-month period. If they are successful it will allow them to give a bench to the city. They would like to ask the city to place the bench downtown for tourists to have a place to sit while shopping and dining.

Agenda item #13 – Rise Up Fitness purchased land south of their current building. There are three dead meters on that property, and they are requesting city water services, but they are not annexed in the city. The Rise Up Fitness facility is currently being served by Cottonwood Water Supply, but they have been notified that they can not service their new property.

Agenda item #15 – The West Apartments is asking for a resolution of support from the council to receive funding from the Texas Department of Housing and Community Affairs for renovations to their current facilities. These funds will assist in paying for a \$50,000 per unit renovation of this development. Tim Smith, a representative with the apartments, was present and said that he is asking for a commitment from the city of \$250 for support in the funding assistance.

Agenda item's #16, #17, and #18 –. Natalie Kelinske stated that the overnight parking and parade parking ordinances stemmed from Westfest. A parade permit

is to be added to our current special events permit, this pertains to anyone obtaining a permit for a parade (Rodeo Association, school parade, etc). The overnight parking ordinance would prohibit anyone from parking their vehicles on specified public streets (downtown area) and highways in the West central business district between the hours of 2:00 AM and 5:00 AM. The parade parking ordinance would prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting part of that route of a parade or event location after 2:00 am on the day of the parade/special event and continuing until the conclusion of the parade/event.

Agenda item #20 – updating employee handbook regarding notice of resignation of employment. Mayor Muska stated that the last three police officers that resigned did not give the city proper notice of leave, there was no two-week notice given, just quit the day of resignation. Mayor Muska feels that in order to leave in good standing, the proper notice should be given or else all vacation time/accrued leave is forfeited.

Agenda item #13 – Rise Up Fitness, requesting water south of their current location. Joe Pustejovsky stated that there were three meters on that property in the past, probably 50-60 years ago they were put in. CJ Gillaspie said that once those houses were demolished, the meters were pulled. CJ also reminded the council that we do have an ordinance stating to obtain city water service you must be brought in the city limits by annexation. Charlie Buenger reminded the council that he suggests we follow that ordinance.

The workshop ended at 5:52 pm.

Public Hearing started at 6:00 pm regarding The City of West, Texas proposing to enlarge and extend its boundary limits to include the following described territory: Approximately 30.0 acres of land located at 825 Cottonwood Road (site of new West Elementary School) and 1.84 acres, more or less, of FM 2114 public right of way, located in the Hannibal D. Callen Survey, Abstract No, 260, McLennan County, Texas.

*There were no public comments regarding the hearing.

*The public hearing ended at 6:01 pm.

MINUTES OF MEETING: FEBRUARY 7, 2023

1. Call to order: Mayor Muska called the meeting to order at 6:02 pm.
2. Reverend Crowder gave the invocation and Mayor Muska recited the pledge.
3. Roll Call: present council members – Natalie Kelinske, Cody Harris, David Pratka, Joe Pustejovsky, Matt Miller, and Mayor Tommy Muska.

4. On a motion by Joe Pustejovsky, seconded by Natalie Kelinske; Approve minutes for January 3, January 9, January 19, and January 27, 2023. All in favor, motion carried.

5. On a motion by David Pratka, seconded by Cody Harris; Approve bills for January 2023. All in favor, motion carried.

6. On a motion by David Pratka, seconded by Matt Miller; Approve monthly departmental reports. All in favor, motion carried.

7. There were three citizens that spoke during citizen comments. Nicole Nemecek wanted to welcome the new police chief and pay a compliment to the city council for their work. She mentioned the new Freedom of Speech Facebook group that was created and stated that instead of hiding behind a computer, why not attend council meetings to have your voice heard. She also suggested live streaming the council meetings on social media. Michael Zahirniak spoke about being upset about how the new police chief was hired. He said the city hired a chief that didn't give his former employer a two-week notice. He also said that chiefs from other cities should have been involved in the hiring process. He mentioned there were a few local candidates that were qualified but they did not receive a call for an interview. Brian McMorrough spoke about his concerns of the current state of the police department and the hiring process of the new police chief. He would have liked to have seen a hiring committee consisting of at least two council members, current West officers, ex police chiefs, and other members of law enforcement. He stated a complete background investigation done by an outside neutral committee should have been done as well as reaching out to Milan County (Chris White's former employer).

8. On a motion by David Pratka, seconded by Natalie Kelinske; Approval of Ordinance No. 230207A annexing, for full purposes, approximately 30.00 acres of land, located at 825 Cottonwood Rd., and 1.84 acres, more or less, of FM 2114 public right-of-way, in McLennan County, Texas; and ratifying a municipal services agreement with the owner, West ISD, providing an effective date. All in favor, motion carried.

9. On a motion by Cody Harris, seconded by Matt Miller; Approval of Ordinance No. 230207B establishing speed limits of specified public roadways within the city limits of the City of West, pursuant to section 545.356 of the Texas transportation code; providing penalties, providing an effective date, repealer, severability, and proper notice and hearing. All in favor, motion carried.

10. CJ Gillaspie stated that they had 7 bids turned in for the Playdium Drive Wastewater Improvements, Phase 2 Project. The lowest bid came in at \$1,012,002.00 from All Tex Utilities. CJ stated that they have done some work for us in the past and he was pleased with their work. Matt Miller was present at the bid opening, and he feels comfortable with the bid that All Tex Utilities

presented. On a motion by Matt Miller, seconded by Joe Pustejovsky; Approve awarding a \$1,012,002.00 construction contract to All Tex Utilities, LLC for the CDBG CDV21-0430 Playdium Drive Wastewater Improvements, Phase 2 Project, as recommended by the City Engineer, Walker Partners, LLC, and authorizing the mayor to execute all documents necessary to complete this transaction. All in favor, motion carried.

11. Nicole Nemec from the tax office was present and said that in order for the city to require golf cart licensing, we must amend our current ordinance making it a requirement first. Then she will need a copy of the minutes approving the ordinance as well as a letter from the city stating the number of current golf cart license plates that the city has given out (the city has around 70 registered). She currently has 30 license plates at her office and has requested more from the state. We will need to amend our ordinance and vote at the next council meeting. She also stated that golf cart license plates are not transferable, if you buy a used golf cart you must get a new license plate. No action was taken at this time.

12. Abigayle Melton, a junior Girl Scout in troop 7074 in West, submitted a letter to the city regarding her bronze award project that will benefit the city. It is a recycling project that if successful will allow the city to be given a bench to be put in a public place preferably in the downtown area for tourists. The recycling program is sponsored by NexTrex and challenges her to collect 500 pounds of plastic bags and film over a 6-month period. Her plan is to begin the program in March or April and ask businesses and the city to allow her to put collection bins out. She will publish fliers and newspaper articles to educate the community about the program and will ask a local business to weigh collections. She will make reports to the community about the progress. She is asking the city for permission to start this project and support her in accomplishing her Bronze award which is the highest service project award in Girl Scouts. On a motion by David Pratka, seconded by Matt Miller; Approve and allow permission for Abigayle Melton to move forward with her junior Girl Scout recycling project. All in favor, motion carried.

13. Jonathan and Erin Morris were present to request water south of their current location at Rise Up Fitness. They recently purchased lots south of the fitness center between their gym and West ISD. There are currently three old meters that the city serviced in the past but the lot is outside city limits. They are asking for permission to use and have access to West water. The fitness center is currently serviced by Cottonwood water, but they are not allowed to go any further due to service restrictions. West City water would be their only option. The city has an ordinance in place that states you must annex to obtain water service. City Attorney Charles Buenger asked the Morris' if they are willing to annex in, Jonathan stated yes. The property is still one lot and they have not replatted yet but plan on resurveying. Rise Up Fitness is currently on a septic system. CJ Gillaspie said that the sewer is about 200-250 yards in front of the high school. Charles Buenger said that the city could allow a service

plan to allow them to use septic until the sewer extends to their property which will be happening in the near future due to West ISD expansion. Charles stated that he could write up a service contract allowing them to annex in, the city provide them water, and allow them to use their septic until sewer is available. No action was taken.

14. Austin Brock and his associate Kim were in attendance and showed the council a visual representation of their upcoming downtown project. Their plans are to turn the old theater into an event venue and are requesting the city to waive fire suppression for their building. The building has been vacant for a long time and their plans are to host charity functions, corporate events, weddings, etc. Austin has been working with CJ on getting infrastructure to their building. Austin is not opposed to fire suppression, but he is worried about the timeframe, and he does not want a delay. They currently have a wedding scheduled for this Fall and they do not want a hold up on a certificate of occupancy for their building. Austin was told by Therrell Fire and Alarm that they would need 60 psi's that would be sufficient. Charles Buenger stated that the city's only legally required to provide 35 psi, they are not required to give any more than that. Mayor Muska requested that Austin provide plans to the city so that our city engineers as well as Bureau Veritas can research the best solution. No action was taken.

15. On a motion by David Pratka, seconded by Cody Harris; Approval of a resolution of support from the West City Council for the West Apartments located at 625 E. Tokio Rd., West, TX to receive funding from the Texas Department of Housing and Community Affairs for renovations. All in favor, motion carried.

16. Natalie Kelinske stated the overnight parking ordinance stemmed from complaints from businesses downtown and evolved out of the Westfest parade parking issue. The businesses were not in favor of having cars parking overnight in front of their store fronts. This ordinance would not allow any parking between the hours of 2:00 am – 5:00 am. On a motion by David Pratka, seconded by Natalie Kelinske; Approve the overnight parking ordinance. All in favor, motion carried.

17. Natalie Kelinske worked with local businesses on creating a parade parking ordinance. The business came up with no parking after 2:00 am on the day of the parade until the conclusion of the parade. The city would create a local agreement with a local tow company and place signage enforcing the towing. Mayor Muska would like to bring this up in an open forum. On a motion by Joe Pustejovsky, seconded by David Pratka; table this item until a town hall meeting and more research can take place. All in favor, motion carried.

18. Natalie Kelinske stated that the city already has an event permit in place; we just need to add a parade to that permit. On a motion by Joe Pustejovsky,


seconded by Matt Miller; Approve the event/parade permit. All in favor, motion carried.

19. Bill Hunt said that he has had several complaints due to citizens not using our trash provider, Frontier Waste for roll-offs. Per our contract with Frontier, they have an exclusive agreement to collect, haul, and dispose of Municipal solid waste and construction and demolition waste over, upon, along, and across the City's present and future streets, alleys, bridges, and public properties. The City is also responsible to take any and all appropriate legal action against any company, customer or third party infringing upon the exclusive rights of the service provider. Charles Buenger also stated that the reason trash companies have this in their contract is to ensure the lowest residential trash rates. If they weren't exclusive, our rates would most likely go up. Bill Hunt is working on drafting an ordinance to enforce illegal trash containers. No action was taken.

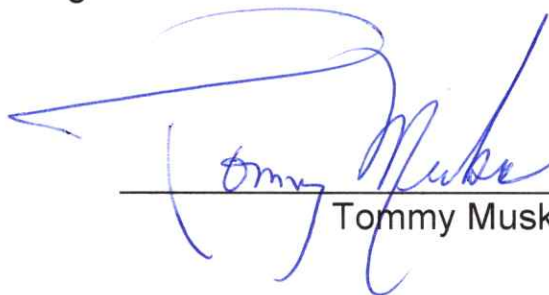
20. In the city employee handbook it states that in order to resign "in good standing", an employee should submit at least two weeks' written notice of his/her intention to resign. Failure to give notice may result in the employee being ineligible for rehire in the future. We have had several employees over the last few months leave without proper notification and would like to add this to section 7- Resignation in our employee handbook: "The use of accrued leave may not be used during the last 2 weeks of employment". On a motion by Joe Pustejovsky, seconded by Matt Miller; Approve adding "The use of accrued sick and vacation leave may not be used during the last 2 (two) weeks of employment". Those in favor: Joe Pustejovsky and Matt Miller, those opposed: Natalie Kelinske, David Pratka, and Cody Harris. This item did not pass due to a majority vote.

21. Council member comments and requests for items to be placed on future agendas: Joe Pustejovsky request to change the street name of a portion of Stillmeadow to Memorial Drive. Natalie Kelinske requested to add Greater Waco Sports Commission to the April agenda.

22. Council adjourned at 8:00 pm.



Shelly Nors, City Secretary



Tommy Muska, Mayor