



REGULAR CITY COUNCIL MEETING APRIL 11, 2022

MINUTES

The Madisonville City Council met in a regular council meeting on April 11, 2022 at 6:00 p.m. at 210 W. Cottonwood, Madisonville, Texas.

Meeting called to order at 6:00 p.m. with the following present:

William (Bill) Parten – Mayor

Chris McGilbra – Mayor Pro Tem

Jesse Jaenicke – Council Member

Terri Davis – Council Member

Melissa Hinojosa – Council Member

Brady Taylor – Council Member

Fabrice Kabona – City Manager

Kevin Story – Director of Public Works

Art Rodriguez – City Attorney

Lacy Schilling – Interim City Secretary

Richard Morris – Captain of Madisonville Police Department

- I. Mayor William (Bill) Parten called meeting to order
- II. Invocation was given by Matt Carey from First Baptist Church
- III. Councilman Taylor led the Pledge of Allegiance to the American Flag and the Texas Flag with City Council, Staff Members and Visitors
- IV. VISITORS FORUM (3 MINUTES)
 - Lynn Reed made the following statement:
I am addressing the City Council. I am a board member at the house of hope and I am asking them to approve at no cost or liability to them, for me, and one or two House of Hope volunteers, to pick up trash and litter at stop signs, culverts, streets, and anywhere else. I am just asking for permission to put it in city dumpsters. Mayor Parten gave him permission, and Fabrice Kabona, City Manager, asked that he contact him the following day.

V. PUBLIC HEARINGS

The City Council will receive comments on the following listed items. Speakers will be limited to three minutes each. Persons wishing to participate (speak) during the Public Hearing portion of the meeting must sign in to participate prior to the meeting.

1. Public Hearing, Waterstone Development Group

- **Creation of Villages of Greystone (PID)**
- Jessica Hartley stated that she would speak at the end if she thought her comments had not been covered
- Jill Rouse asked the following questions:
 - Where is the petition?
 - Was the petition filed correctly with fifty percent of the petition for the P.I.D. coming from land-owners?
 - What happens if the development goes under?
 - What if the builder or developer cannot satisfy the needs?
 - Why is the developer not footing the expense for the improvements?
 - Are we following through with what the documents describe that we are supposed to do with all these things that the P.I.D. says are supposed to happen?
 - What is the length of time for the P.I.D.?

Jill Rouse made the following statements:
stated that they were in attendance due to their proximity to the proposed development (closest land-owner). They have questions and concerns regarding the research and the implications that this project could have on the community. She spent decades in a public education setting and is concerned about the future, the wellbeing, and the nature of our students in the school-district if we do not do the proper infrastructure and planning for the amount of people coming. Also, she is concerned about what we are going to do if people can't afford this housing once they have purchased to do P.I.D. taxation. Concerned about water infrastructure, our education system, police force, and safety of our community is not thought of first. She is concerned about real estate transaction pending approval of the P.I.D. If the P.I.D. is going to cost our community a significant amount of money, have we done the research to

ensure that our community is not left with the burden of a large price tag.

- Weston Rouse asked the following questions:
Who signed the petition?
As an attorney, is it proper for someone to file a \$35 million petition for money when they are not actually going to develop the land themselves?

Weston Rouse made the following statements:

It looks like the P.I.D. approval has to go on six months after tonight's hearing. My biggest concern is that we don't make a rush decision and approve something tonight, that we actually have six months to approve it or not. I think it could be detrimental to be talked into approving something without doing our proper homework. There should be an advisory committee that is assembled by members of the community or a third party. If the right person didn't file the petition, this hearing should be technically over right now. We still don't even know who filed it or if it was filed properly. 372.005 the petition has to be signed by owners of the taxable real property representing more than fifty percent of the appraised value. Or fifty percent of all record owners of that property, there is only two property owners – the Hageman and the Hull's. 96 of the 135 is by Hageman Holdings, so that tells me that Hageman Holdings has to sign the petition, to file the petition.

- Deena Morgan made the following statements:
I'm here basically for the whole town. We've got subdivisions, we've got red lights, we've got leaking water pipes. We've got no beautification. But y'all are going to bring all the beautification to one subdivision and all of us are supposed to help pay for it in the long run. When new hospitals, new schools, new sidewalks for them? Where does this come from? Who think we need to be the ones to pay for this PID. If they want it, they need to pay for the whole thing. We shouldn't have any burden at the end of this deal. We need to get what we've already got fixed. We had a tornado and we had to get outside help just to fix that. And y'all gonna bring more things to get taken care of. Not enough fire department, not enough police, the list goes on. If we are going to do something for Madisonville, it aint gonna be water fountains and sidewalks or tree preservations. It's got to be something meaningful. Not this. And, when this does occur, how are you going to get water and sewer to these people?

What does that do to East Ridge Subdivision? Does it get annexed so y'all can get water and sewer over there? Or are you going to build your own plant? I can't see that happening either. There is a lot more to this than is coming out. That's all I have to say.

- Jeff Jaret did not want to speak.
- Dean Holland made the following statements:
He is concerned that this is not a Madisonville problem, this is a Madison County problem. Rumor has it that his street will be annexed (by tractor supply and East Ridge Subdivision). Rumor has it that we are getting a hospital that we don't know how to pay for. We are getting houses that we are unsure of. How does the politics of Madisonville work? I have a statement that says "the City of Madisonville is a community that beautiful, historic, cultural, diverse, affordable, safe, with great opportunity for our citizens." I don't see a statement from the County of Madisonville. I am trying to learn why we are in a city building talking about County property. Does the sign change on the outside depending on what issue we are facing? I am excited about growth, I am excited about opportunities to keep our city or county vibrant and relevant, a place where we can raise kids or grand-kids. Let's have a little social and talk about growing. It seems like we get to these meetings and things have already been decided. There is a feeling in the air of, wow, there has been back-door conversations and drawings, we are going to get fountains. Really? Nobody has talked to me about fountains. I had to sign a CC and R that said we had to adhere to the covenant codes and restrictions on our street. The properties that are talked about right now are in the county. Why are we involved in a city issue? Has zoning been changed? I just would like to have the opportunity to come up to speed about how the process works, does the process include input from all of us?
- Jessica Hartley asked the following questions:
I would like to know where the feasibility report is on this? Do we have one?
Is there an advisory board set up, and who are they? That was supposed to be done before the public hearing. Was it done?
Do we have someone appointed to make sure that the developer develops it exactly how it should be done?
If we are going to spend \$35 million dollars why isn't it on a city-wide infrastructure bill?

Jessica Hartley made the following statements:

My biggest point is why would the city take on this kind of debt? \$35 million dollars. You are on the hook for it. If the developer doesn't do it or they do a crappy job and the houses can't be sold. Has anybody thought of this? We have had developers before and they were supposed to have roads up to code and this and that, the Daryl Hall stuff, and look at the mess that has been in. Upgrade our water, upgrade our sewer, help the fire department. Why would we do it on a subdivision where that is the only place that money can go. I don't even know why this is being considered at all. Why are we even having a hearing? Why didn't y'all say this isn't right, if we are spending \$35 million dollars, we are going to do it on our city as a whole. Not for 400 houses. Let's just say that 400 houses have two kids each? That's 800 kids that are hitting our school. We don't have room for 800 more kids. What are you going to do about that? That is going to be on my dime. Even if you get these people, there is no way. Figure it out, on a thirty-year note, figure out the payment on that monthly. Those people, those 400 houses, can't afford \$182,000 a month. Even if you can figure out a bond or whatever. Most of the tax goes to the school. That's going to raise my property taxes period, there is no way around it. There is no room for 800 more kids right now. We might can absorb 300 kids, I talked to the superintendent, not 800. I don't even know why we are having a hearing where we can ask a question and not get any answers.

- Fabrice Kabona, City Manager, addresses the public in attendance and explains that the council and himself are not legally allowed to answer questions at the meeting in this format. He offers to take calls and have meetings with citizens to answer questions and explain facts pertaining to the P.I.D. Offers Mr. Vaughn Smith to make his presentation.
- Mr. Smith It is good to see all the people here. I think there has been a tremendous amount of fear, and fear is often brought on by a lack of information. Sometimes people know half of the truth but profess all of it, and in the process, they inadvertently create more trouble. Let me start with, the way a P.I.D. is designed, it only taxes homes located within the P.I.D. You have a common boundary but you will not be taxed. The most important thing is, on that desk over there, there is a copy of one page out of an actual bond that we are issuing next week in

another city. No provision of this bond shall require the city to extend or risk its own general funds or otherwise incur any financial liability. One of the things I heard is: why are we signing on to \$35 million dollars when we could spend it somewhere else? It's not the city's money. The city is not responsible for it. The city does not have any liability for it. You as the citizens have no liability. This is not much different, another word for these is municipal utility district. Only the people who live within the M.U.D. or the P.I.D. have to pay the taxes. That's what we don't like M.U.D.'s because they never go away. A P.I.D. is a thirty-year period. The P.I.D. law is very clear. You must pick a number that you may not exceed. It doesn't mean that we are ever going to get up to \$35 million, that's just the max that we could. I'm not going to tell you what the number is because we haven't finished figuring it out from an engineering standpoint but we are not going up to \$35 million. That is just a number that allows us to go up to that number. The city is not passing a tax and spending it in one area, the people in that area are taxing themselves. The next question that came up was how are people going to be able to afford this, it's going to be 100 to \$200,000 a house. Typically, these work out to be somewhere between twenty and thirty thousand dollars a house. This isn't our first PID, so we know where these numbers are going to end up. The purpose of a PID, as I am sure everyone has heard, Law says in Texas that you cannot annex anyone that does not want to be annexed. Thank Kingwood TX, when the City of Houston tried to annex them against their will. Water and sewer will come from McDonalds area, the restaurant not the family. There is no entrance to Eastridge – no road connecting the two at all. I do not want to take traffic down East Ridge. The road is too small, too old, and is not built to modern standards. We are going to have curb and gutter, concrete streets, sidewalks. We are paying for that. The city is not paying anything. The property is partially located in the city, and wholly in the county. The property is located inside the city's ETJ-so it has to go through the city by Texas law. Question about standards – we build subdivisions to engineering specifications, delivered to the cities engineering department, and then build according to those standards. The PID gives the city more authority over the neighborhood. We have reached out to several fiber optic companies to provide Madisonville with fiber optic high speed access. This will not be low income housing. It is designed for working people. No taxes outside of the area, it is not a city tax.

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- Fabrice – Establishing a PID is a preliminary phase of the process. Some of the concerns that we have heard are included in the developer's contracts but that is further down the road. Establishing a PID does no harm to the city. If the deal falls through, the city does nothing and there are no risks to the city and the PID can be dissolved. Concerns need to be included in the developers contract but again, that is further down the road.
- Mayor – Make sure that we all know the facts and disregard rumors. We are not going to do anything to harm the City of Madisonville. We will now close visitor's forum and move on to the regular agenda.

VI. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by a single motion. There will be no separate discussion on these items unless a Council Member requests an item be removed and considered separately.

1. Consider approval of the minutes as written for April 11, 2022.
2. Discuss and possible approval of extension of the COVID-19 Disaster Resolution for another 30 days.
3. Consider approval of Accounts Payable as written for the previous Month.
 - Councilmember Davis made a motion to approve all consent agenda items and motion was seconded by Councilmember Jaenicke with each Councilmember voting AYE, motion carried.

VII. REGULAR AGENDA

1. **Discussion and possible approval of Resolution of the Creation of Villages of Greystone Public Improvement District, in Accordance with Chapter 372 of the Texas Local Government Code.**
 - No action taken. Item postponed until a future council meeting.
2. **Discussion and possible approval of the Professional Services Agreement between the City of Madisonville.**

- No action taken. Item postponed until a future council meeting.
- 3. Discussion and possible approval of adding City Manager, Fabrice Kabona as a signatory to the City accounts at Prosperity Bank.**
- Councilmember Jaenicke made a motion to approve adding City Manager, Fabrice Kabona as a signatory to the City accounts at Prosperity Bank and the motion was seconded by Councilmember Hinojosa with each Councilmember voting AYE, motion carried.

VII. CLOSED EXECUTIVE SESSION: The City Council for the City of Madisonville reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney) 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development). NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session.

- 1. The City Council will conduct a closed meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City's City Manager as permitted by Section 551.074 of the Texas Open Meetings Act. To wit: City Secretary**

VIII. Reconvene to Open Session:

- 1. Discussion and possible action on items considered in Closed Executive Session**
 - Councilmember Hinojosa made a motion to appoint James Greene, and to pay as budgeted, to the role of City Secretary and the motion was seconded by Councilmember Davis with each Councilmember voting AYE, motion carried.

IX. Department Reports:

- Fabrice Kabona, City Manager, recommended that council ask any questions they may have about the departmental reports and he and/or staff would answer questions.

1. Municipal Court Report

- Contains warrants added/actual citations issued/monthly revenue

2. Police Department/ Animal Control Report

- Brief report on citations issue for the month of October and racial profiling report and count on dogs, cats, and adoptions

3. Fire Department Report

- Report for the month of October on inside/outside fires of grass, structures, drills, wrecks and the amount of total gas/diesel used

4. Public Works Department Report

- Brief report on water/sewer and street for the month of October
Councilmember Taylor asked for the status of the generators. Kevin Story, Director of Public Works, stated that he met with electrical engineers and they looked at the wastewater plants and the police department and that it would be upcoming. Fabrice Kabona, City Manager, stated that the contract for the generators would be on the agenda for the next council meeting – May 9, 2022. Council and Mr. Story stated that they were thankful for the hard work and commended the good job of City employees in responding to the tornado event which occurred in March 2022.

5. Convention and Tourism Report

- Brief report for the month of October

6. Code Enforcement Report

- Report for the month of October
Mayor Parten asked for the status of hiring a Code Enforcement Officer. Fabrice Kabona, City Manager, stated that the position has not been filled though there are two potential solutions for this position. As of now, the City is reactive on this item but are working with the Police Department. Councilmember Jaenicke asked about permits. Kevin Story, Director of Public Works, responded and stated that he has taken over the role of the building inspector position and that he is interested in filling the role of the building inspector. Councilmember Jaenicke asked if fees were being waived for repairs due to tornado damage. Mr. Story stated that he was doing that.

7. Investment Report

- Report for the month of October

8. Tax Collection Report for the City of Madisonville

- A report of total taxes collected for the month of October

9. Future Agenda Items

- Generator contract for regular council meeting May 9, 2022

- Resolution to waive permits for demolition, construction, and repair for tornado damage.

X. Adjournment

Councilmember Hinojosa made a motion to adjourn and it was seconded by Councilmember Jaenicke with each Councilmember voting AYE, motion carried.

This agenda has been reviewed and approved by the City of Madisonville, Texas City Attorney and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

I, Fabrice Kabona, CITY MANAGER, UNDERSIGNED AUTHORITY DO HEREBY CERTIFY THAT THE NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARD IN THE CITY HALL OF THE CITY OF MADISONVILLE TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED ON THE FOLLOWING DATE AND TIME: April 8, 2022 AT 5:00 p.m. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

FABRICE KABONA, CITY MANAGER, CITY OF MADISONVILLE, TEXAS

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, THE CITY OF MADISONVILLE WILL PROVIDE FOR REASONABLE ACCOMODATIONS FOR PERSONS ATTENDING THE CITY COUNCIL MEETINGS. TO BETTER SERVE YOU, A REQUEST SHOULD BE RECEIVED 24 HOURS PRIOR TO THE MEETING. PLEASE CONTACT CITY HALL AT 936-348-2748.

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED FROM THE CITY BULLETIN BOARD ON _____ DAY OF _____, 2022.

BY: _____

Lacy Schilling, Interim CITY SECRETARY, CITY OF MADISONVILLE, TEXAS

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