



REGULAR CITY COUNCIL MEETING

Tuesday, May 09, 2023 at 7:00 PM

CITY COUNCIL CHAMBERS - 120 Paint Rock Street, Eden, TX

Off: 325-869-2111 | Fax: 325-869-5075

MINUTES

1. CALL TO ORDER AND ROLL CALL

PRESENT:

Agapito Torres
Priscilla Aguirre
Jennifer Martinez
Randy Dunaway
Bradley Gandy

ABSENT:

Grover Hall

2. INVOCATION

Pamela Young provided the invocation.

3. PRESENTATIONS BY CITIZENS

Floor open to discussion on any subject. No action may be taken by law. Citizens wishing to speak shall do so after being recognized by the Mayor. The Mayor and City Council may establish a time limit as necessary.

Paula Duwe noted that the lines installed by Frontier Communications at the Multipurpose Building were very unsightly and needed to be fixed.

4. WORKSHOP

No action to be taken. Staff reports regarding Current Projects and Plans, Ordinances and Compliance, Water Usage, Grant Opportunities and Status of Current Grants, Economic Development, Business, and Other Agenda Items listed below.

City Administrator provided the monthly update for Public Works. Public Works employees performed daily monitoring and maintenance such as obtaining the readings and checking the residual at the Water and Wastewater Treatment Plants. They continued to work on the project to determine pipe material on both the City side and the customer side for every meter in the distribution system. They repaired five water leaks: on Allen Street, Hwy 83, McCord Road, and two on King Street. They began filling in holes on Daniels Street, and picked up trash on the road by the dump. They had four sewer stoppages: two on Hwy 87, on Green Street, and on Johnson Street. They had several animal control calls, and they mowed and weed-eated around the City Office, the shop, the sewer plant, the fire station, and the bar ditches. They pulled the pumps at the Sewer Plant due to trash, and they spent several days locating lines around the Industrial Park area and at the loading rack. They filled in holes while searching for the water issues, and had several line locate requests from West Texas Gas. They completed meter readings and cut offs and installed several 5/8" meters. They also received some material from TXDOT on the bridge project and started filling holes on Daniels Street, Pecan Street, and Merino Row. They hung swings at Swimming Pool Park and replumbed a 3" pipe for the filters. They also had to replace a 3" valve at the loading station.

City Administrator Laura Beeson provided a monthly update. We solved the water problem at the loading rack and in Industrial Park. After many hours spent checking the location of where the lines tie in, checking fire hydrants, and potholing, public works found an air lock in the lines. Once this pressure was relieved and fire hydrants were opened to remove all the trash, we have abundant pressure back in this area. Public Works have installed the new pool pump and the chemical mixing machine. The problem now is that we have ZERO lifeguard applicants. In order to open the pool on time, we need at least 8 lifeguards by Friday so they can be trained in time to open. Contractors are currently still waiting for the Water Plant and Well #3 Emergency Generators to arrive, and we expect this project to be completed at the end of May or first of June. Our deadline with TCEQ is June 30, 2023. If we are unable to make this date, we need to contact Lucy at eHT to ask for another deadline extension from TCEQ. A Pre-Construction meeting for the Industrial Park Road Project was held last month. The surveyors from eHT needed to mark the location of the roadway, and public works needs to move a waterline out of the road. Mark Osburn should have this project completed in short order. The funds designated by Council for this project were from the City's Infrastructure Account, so the contractor will be paid strictly from this account. Public works needs to secure 3 bids for fencing to present to Council, so that the City-owned Lots 2-6 in Industrial Park are fenced off in order to open this up as a public street. The most important lot to fence off is Lot 4 where Well #3 is located. The openings for City Secretary and City Administrator have now closed, and the applicants will be sent to the Selection Committee for review.

5. REPORTS OF OTHER AGENCIES, COMMISSIONS, & STAFF

A. 2021-2022 Audit Report - Gayla Fullerton, Fullerton & Associates PLLC

Caroline McLane from Fullerton & Associates, PLLC, provided the 2021-2022 Audit Report for the City of Eden and EEDC. Both audits came back good with no concerns, and the city's financial health improved over the previous year. They also did a single audit for the City's grants for the 2021-2022 fiscal year with no issues or concerns.

B. Eden Economic Development Corporation Monthly Report -- Brent Frazier, President

There was no EEDC monthly report given.

6. CONSENT ITEMS

The following items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Council Member, in which event those items will be pulled from the consent agenda for separate consideration.

- A. Approval of April 11, 2023, Regular Session Minutes
- B. Approval of April 18, 2023, Special Session Minutes
- C. Approval of April 24, 2023, Special Session Minutes
- D. Approval of Financial Statement Month Ending April 2023
- E. Approval of City of Eden Investment Report Month Ending April 2023

Motion to approve Consent items "A"-"E" was made by Council Member Dunaway, and seconded by Council Member Martinez. Motion carried 4-0.

Motion made by Dunaway, Seconded by Martinez.

Voting Yea: Martinez, Aguirre, Dunaway, Gandy

7. BUSINESS

Consideration and Possible Action On:

A. Consider and Approve Eden Economic Development Corporation 2023-2024 Budget

EEDC Vice President Cecil Kelley provided the EEDC 2023-2024 Budget and the 2023-2024 IRP Budget. The budget included funding for an EEDC Coordinator for the 2023-2024 fiscal year. Motion to approve the EEDC 2023-2024 Budget was made by Council Member Dunaway, and seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Dunaway, Seconded by Gandy.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

B. Consider and approve Eden Economic Development Corporation 2023-2024 IRP Budget

Motion to approve the EEDC 2023-2024 IRP Budget was made by Council Member Martinez and seconded by Council Member Dunaway. Motion carried 4-0.

Motion made by Martinez, Seconded by Dunaway.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

C. Consider renewal of Cemetery Maintenance Contract with Brent Frazier and Chad Miller for FY 2023-2024

Council discussed Business Item "C", the Cemetery Maintenance Contract. In a response from Mayor Torres, City Attorney Jeff Betty noted that the lowest bid must be accepted, and the City would need a really good reason not to accept the lowest bid. Mayor Torres noted that the lowest bid from last year was not selected, and he suggested that instead of renewing this contract, that the City consider rebidding this contract.

Mayor Torres noted that the current contract ends mid September, and the Cemetery currently looks the way it did in 2021 when a tragedy occurred suddenly, and citizens had to pitch in to get the Cemetery in shape for a high profile funeral. We have again not had a lot of rain, and it was the Mayor's recommendation to rebid this contract. Motion to rebid the Cemetery Maintenance Contract was made by Council Member Dunaway, seconded by Council Member Aguirre. Motion carried 4-0.

Motion made by Dunaway, Seconded by Aguirre.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

Council requested that the bid language be brought back to them for approval before advertising this contract. City Attorney Jeff Betty noted that Council could incorporate additional determining measures other than price such as work history, type of equipment, number of employees, or ability to perform the bid, so these could be considered along with price.

The Mayor suggested that the Cemetery Committee could help evaluate work performance, and that the City needs to build this relationship with them.

- D. **Consideration of an Application for a Zone Change from Brian Wilson, and approval to move it to the Zoning Board, from Zone “A” Single Family Residential District to Zone “E” Manufactured Housing Residential District on the following property:**

825 Stock Pen Road, specifically the East ½ of Lot 1, Block 4, and all of Lot 4, Block 3, Robert Subdivision, Eden, Concho County, TX

Council discussed Business Item "D", a zone change request to place a mobile home in a residential district. Mayor Torres asked the City Attorney if there was a way to change the Zoning Ordinance to make allowances for the inability to contact or get in touch with all the neighbors within the 200' radius, so that these types of requests did not have to be a permanent zone change. Council Member Gandy made a motion to deny the current request for a zone change to allow for the Ordinance change, seconded by Council member Aguirre. Motion carried 4-0.

Council directed the City Attorney to make changes to the Zoning Ordinance to allow for these circumstances, and to put the updated Zoning Ordinance back on the next agenda for approval.

- E. **Consideration of and funding allocation for a Structural Engineering proposal from eHT to erect a new awning structure and consideration of and funding allocation for the structure itself at the building currently known as the “Green Apple” located at 305 N. Main Street**

City Administrator Laura Beeson discussed Business Item "E", a structural engineering quote from eHT for the Green Apple building. In addition to the cost of the structural engineering, the cost of the structure itself was estimated to be around \$40,000. By consensus, Council tabled this item to allow for additional quotes on this project.

- F. **Consideration of Proposal from Texas Communication to move emergency sirens from the Business Incubator building to the Multipurpose Center**

City Administrator Laura Beeson presented Business Item "F", a proposal from Texas Communications to move the emergency sirens and controller from the Business Incubator building. A discussion ensued as to the cost of monthly utilities and writing a lease for the current tenant to cover the monthly costs. Beeson explained that Nicole Nixon from Concho Valley Council of Governments would be willing to write a grant for the City of Eden for a new siren, but it would take about a year for this grant to come through. In the meantime, the City is paying the monthly cost of utilities.

Mayor Torres noted that he would like to go ahead and move the siren and controller, and then work on the grant for a new siren and controller. Dunaway expressed concern that the money to move the current siren and controller would be wasted if the City was just going to get a new one.

No motion was made, so this item died on the floor due to lack of motion.

- G. **Approval for Mayor to sign a Letter of Support for a NextLink Fiberoptic Project in Concho County**

City Administrator Laura Beeson discussed Business Item "G", a letter of support for a NextLink Fiberoptic Project in Concho County. City Attorney Jeff Betty and Mayor Torres requested to set up a meeting with NextLink in order to provide correct data for the letter of support. This item was tabled by consensus, so that the Mayor and the City Attorney could meet with Nextlink.

- H. **A. Consider and Approve gWorks financial, budgeting, utility billing, payroll, and court software proposal quote of \$17,271 for implementation costs and \$9369 for annual maintenance costs resulting in a 46.85% annual cost savings from current Incode Software system**
B. Consider renewal of Timeclock Plus Software at a rate of \$1694.08 annually

City Administrator Laura Beeson discussed Business Item "H", software proposals from gWorks and Time Clock Plus. The gWorks financial, budgeting, utility billing, payroll, and court software would save the City about 46.85% in maintenance costs yearly from \$17,405.24 annually to \$9369.00 annually, and it provides many more functions for the citizens usability from the website. City Attorney Jeff Betty requested to look over the gWorks maintenance agreement prior to approval. This item was tabled by consensus for the City Attorney to review the yearly maintenance section.

- I. **Consider and approve Records Retention Processing Proposal from Records Consultants, Inc. (RCI) in the amount of \$2490 for the on-site phase and \$3090 for the Record Compliance Program to ensure compliance with the Texas Legislature's Local Government Records Act**

City Administrator Laura Beeson discussed Business Item "I" a proposal from RCI for Records Retention processing. The City does not currently have anything in place to properly document records retention, and this service is a necessity. Motion to approve a Records Retention Processing Proposal from Records Consultants, Inc. (RCI) in the amount of \$2490 for the on-site phase and \$3090 for the Record Compliance Program to insure compliance with the Texas Legislature's Local Government Records Act was made by Council Member Gandy, seconded by Council Member Martinez. Motion carried 4-0.

Motion made by Gandy, Seconded by Martinez.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

- J. **Approve a Resolution Setting the Current Garbage Fee Rate for Customers of the City of Eden for years 2023 through 2027**

City Administrator Laura Beeson discussed Business Item "J", a Resolution setting the garbage rates for 2023 through 2027. This resolution sets the rates based on the rates from Republic Services contract renewal for 2023-2027, and maintains a consistent percentage across all categories. Motion to approve a Resolution Setting the Current Garbage Fee Rate for Customers of the City of Eden for years 2023 through 2027 was made by Council Member Dunaway, seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Dunaway, Seconded by Gandy.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

- K. **Discussion and Consideration of Beautification Committee requests:**

- A. Approve for Mayor to sign Beautification Committee By-Laws**
B. Discuss and consider who is responsible for the maintenance at city-owned property known as "The Garden", and determine funding for said maintenance
C. Consider and approve submission of Request for Proposals (RFPs) to maintain "The Garden" and determination of scope of project

Beautification Committee Members Pamela Young and Phyllis Ellison discussed Business Item "K", requests from the Beautification Committee. By laws for the committee were on file, but none of them

are signed. Motion to approve the by laws for the Beautification Committee was made by Council Member Martinez, seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Martinez, Seconded by Gandy.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

Young and Ellison explained the history of "The Garden" noting that Vincent Mullins had previously provided all of the upkeep on a voluntary basis, and that volunteers were no longer able to keep up with this due to the age of them volunteers. Help is needed to care for the Garden, and bids may be needed to hire someone to provide this upkeep and maintenance.

Council Member Aguirre suggested adding maintenance of "The Garden" to the Cemetery bid. Mayor Torres suggested that the City hire a full-time employee who would be responsible for maintenance at both the Cemetery and "The Garden". We could create a position under the Parks Department for a Groundskeeper at these locations. Motion to hire a full-time employee under the Parks Department to be responsible for the maintenance at both the Cemetery and "The Garden" was made by Council Member Gandy, seconded by Council Member Aguirre. Motion carried 4-0.

Motion made by Gandy, Seconded by Aguirre.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

L. Discussion and Consideration of requests from the Cemetery Committee:

- A. Consideration of Cemetery Committee bylaw meeting date change from the third Thursday to the second Thursday of each month.**
- B. Consideration of possible partial funding of cemetery road upgrades and approval to submit a City of Eden Grant Request to the San Angelo Health Foundation for up to \$220,000 for these road upgrades, as well as cemetery improvements**
- C. Consider approval of a request for a headstone cleaning project and determination of rules for application of this project if approved**
- D. Discuss and determine status of Cemetery Perpetual Care Fund and consider possible use of these funds for Cemetery Improvement Projects**

Cemetery Committee President Paula Duwe discussed Business Item "L". By consensus Council approved the by law change changing the meeting date from the third Thursday to the second Thursday of each month.

Duwe discussed the San Angelo Health Foundation Grant Application to upgrade the Cemetery roads. The San Angelo Health Foundation likes to see Community Support when granting funds. City Attorney Jeff Betty agreed that community support is a huge plus with this grant. Two estimates have been received from Mark Osburn and from Reece Albert. Duwe noted that the Cemetery Committee had decided that their number one priority is to upgrade the roads. They have also discussed other improvements to include a covered pavillion and a directory. Mayor Torres noted that Council could consider the funding request during the budget hearings. No motion was made, and this matter died on the floor due to lack of motion.

City Attorney discussed the Perpetual Care funds noting that the Eden Cemetery is a perpetual care cemetery per statute, and that the principal amount in this fund must be maintained and could not be used. If the City wishes to use these funds, then they City would have to petition their elected officials to change the statutes to allow for this use. A trustee is needed for this fund, and in the absence of a trustee, the City Secretary is responsible for maintaining these records. Duwe requested that Council consider this petition in order to make improvements at the Cemetery.

Cemetery Committee member, Omar Martinez, demonstrated the procedure for cleaning headstones. A discussion ensued as to whether this would damage the headstones, and whether family members would agree to this. Martinez wanted to focus on 11 Civil War headstones only. Mayor Torres expressed his concern that all families might not want this done. These cemetery spaces are owned by the family, and they are other people's property. Mayor Torres noted that he could not recommend this program.

The Cemetery Committee will have the responsibility to contact surviving family members to gain approval prior to any cleaning.

M. Determination and approval of terms of transition agreement with City Secretary / City Administrator

Motion to approve Business Item "M", a Transition Agreement with current City Secretary/City Administrator Laura Beeson at a pay rate of \$30 per hour was made by Council Member Dunaway, seconded by Council Member Aguirre. Motion carried 4-0.

Motion made by Dunaway, Seconded by Aguirre.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

N. Discuss and determine person of authority for financial transactions and hiring determinations during transition period of City Administrator

Council discussed Business Item "N" determination of financial and hiring authority during administrative transition. City Attorney Jeff Betty suggested that the Mayor and Mayor Pro Tem be included on all of the bank account signature cards. The authority goes to the Mayor in the absence of the City Administrator. By consensus it was determined that Council Member Aguirre would have authority to make recommendations to the Mayor regarding all staff-related matters, with the Mayor making the final decisions.

O. Discussion and possible action regarding the contractor default and current surety bond status of the USDA South Water and Sanitary Sewer Water and Wastewater Improvements Projects

City Attorney Jeff Betty discussed Business Item "O", providing an update on the contractor default and current surety bond status of the USDA South Water and Sanitary Sewer Water and Wastewater Improvements Projects. We received notification that the surety bond company is close to a possible Tender Agreement with a new contractor to complete these projects.

Mark Stein with Vertex, the engineering firm working on behalf of the surety bond company, explained their efforts to find a new contractor to complete these projects. They are currently in contact with Darnell Construction to finalize pricing next week. They expect to be in contract negotiations with a new contractor by the beginning of June to agree upon a price of project completion. The surety company will take the negotiated price, subtract the remaining project funds, and pay the difference. New bonds will be issued for the new contractor; however the old surety bond will remain in place to remove the risks to the new contractor. They are working hard to get these projects back on track.

**P. A. Updates and possible action regarding Management, Maintenance, and Funding of Golf Course, to include consideration of electrical estimates for the check valve
B. Course Management Presentation - Dan Olin**

Dan Olin, previous owner of Riverside Golf Course, discussed Business Item "P", updates to the Golf Course. Olin noted that several courses to include Riverside, Sonora, and Brady had been devastated by

the same company, and all have had to work to bring the courses back. Olin was born and raised in Brady, TX. He previously owned Riverside, and he had to make major repairs and put a lot of work into that course to make it playable. Olin believes, with a lot of hard work, that the Eden course can operate in a breakeven state, once it is back up and operational. With Riverside, he was told there was a 10% chance of saving the course, and he did it.

Olin noted that he had taken soil samples at the Eden course, and the roots on the greens are still alive. However, if the greens are to be saved, they must receive water immediately. There will be a lot of labor involved in bringing the course back, but he is willing to do that. He would be willing to sell his current home in San Angelo and move to Eden to live and work at the golf course. He and his wife are willing to work as 1099 contractors, and he would want one employee to be hired as an employee of the City. This employee is a mechanic and able to provide the maintenance needed on all of the equipment. There is some equipment that would be needed, but he would strive to bring the course back to an operational position in the most cost effective way possible.

The previous cost to rehab a sprinkler head was about \$167 per head, and if they needed full replacement, it would be more. He is unsure how many sprinkler heads need attention. The greens have been devastated, and there are major washed out areas. It would cost about \$5,000 to reseed each green. He would need at least two UTVs to get around the course, and these could be used. Mr. Olin has equipment that he could bring with him, so there would not be a lot of funds needed up front to get started. The course would need a pneumatic roller.

Council Member Dunaway inquired as to the yearly contract price. Mr. Olin stated that the contract price would be \$80,000 per year, and the City would need to employ his mechanic. This course is about the same size as Brady. It is a nice course and a great attraction. We could hold a number of tournaments to promote the course. We need to start by getting water to the greens and get the greens back in shape. It is labor intensive and will require a lot of hours work. The aesthetics from the gate to the course need to all be in top shape to attract folks to come here.

Q. Approval of April 2023 Bills

Motion to approve Business Item "Q", April bills was made by Council Member Gandy, seconded by Council Member Dunaway. Motion carried 4-0.

Motion made by Gandy, Seconded by Dunaway.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

R. Set dates for 2023-2024 Budget Sessions (possibly June 6, 2023, and June 20, 2023) and Public Hearings (2) (possibly July 11, 2023, and July 25, 2023)

Motion to set the FY 2023-2024 Budget Sessions for June 6, 2023, and June 20, 2023, and set Public Hearings for July 11, 2023, and July 25, 2023, was made by Council Member Dunaway, seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Dunaway, Seconded by Gandy.
Voting Yea: Martinez, Aguirre, Dunaway, Gandy

8. ADJOURN

The meeting was adjourned at 10:23 PM.

Agapito Torres, Mayor

Barbi Watkins, Assistant to City Administrator