



REGULAR CITY COUNCIL MEETING

Tuesday, March 14, 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

Mayor Agapito Torres
Jennifer Martinez
Priscilla Aguirre
Grover Hall
Randy Dunaway
Bradley Gandy

2. INVOCATION

City Administrator Laura Beeson provided the invocation.

3. 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.

Public Works employee David Hutchings provided a 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 six water leaks: two on Hwy 83, on Daniels Street, two on Hwy 87 East, and on McCord Street. They hauled material off of Eaker Street to the dog pound, began filling in holes on Daniels Street, and picked up trash on the road by the dump. They had five sewer stoppages: two on Johnson Street, two on Hwy 87, and on Oaks Street. They had several animal control calls, and completed numerous line locates for Frontier Communications for the fiber optic project and for West Texas Gas. They pulled the pumps at the Sewer Plant due to trash, and they had to lift the valve box and fill in the hole by the Nursing Home. They had a walk through for the USDA project for prospective contractors. They started patching pot holes and filled in holes that were washed out. They installed the new valve at the Golf Course, did meter readings and cut offs, and they started working on the restrooms at the Swimming Pool.

City Administrator Laura Beeson provided a monthly update. Engineers working with the Surety Bond company held a meeting in Eden for all prospective bidders so they could look at all the materials on hand currently being stored at the City Shop and at the Sewer Plant. Bids are due by this Thursday. The Surety Bond company will go through all of the bids to determine who will be awarded the contract, and we will go from there. We had our annual inspection at the City Pound, and we passed 100%. A special thanks to Ballinger Animal Control for sharing their forms and information, so we could make sure we were 100% compliant, and also special thanks to Kenny Kincheloe who is supervising the area of Animal Control for all of his hard work as well. All of our Public Works employees worked hard to spot clean and paint the areas

that needed maintenance. We will begin completing some maintenance and repairs to the bathrooms at the Swimming Pool. We will also need to repaint the pool and a new pump has been ordered as well, as the current pump is not working. Contractors are currently still waiting for the Water Plant and Well #3 Emergency Generators to arrive, and we expect this project to complete in the next few months. A Pre-Construction meeting will be held at the end of this month or first of next month on the Industrial Park Road Project. Work is expected to begin in mid-April. Staff will present some bids for fencing at the next meeting. Currently, there are locked gates on both sides of the Industrial Park entrances. This helps keep folks out of the area around Well #3 and the Industrial Park Lift Station. With the new road going in, this is a public road, and we will need to install some fencing along Tracts 2-6 on the North side of the Industrial Park Road to help secure Well #3, and open the area to business traffic. Additionally, with the proposal to sell the rest of the interior tract in the Industrial Park area, we will need to give full access to this road. WRT received the necessary parts and has now fixed the most recent lead inside the Water Plant. We had some complaints from residents regarding the Frontier fiber optic work being conducted during evening hours, and we have worked with them to insure this does not reoccur. As discussed previously, once the Core Civic rezoning is complete, I will present a new "Official" Zoning Map for approval, and get a large version printed for City Hall. Our meter reading computer (over 15 year's old) stopped working, and a new one had to be ordered. The cost is around \$6,000. We are hoping to receive the new one this month. Our water meter providers, Premier Water, have been lending us a computer to read meters for the last few months while we do not have one that is working. We currently have job openings for two positions: one for a Public Works Worker, and one for a Utility Billing Clerk.

4. 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.

Craig Pfluger discussed his feelings regarding the forensic audit noting he intended to discuss perceived wrongs, as he feels folks were wrong. He received counsel from a friend who urged him to let things go. He decided to take this counsel. The purpose of Eden's Green Apple, Inc., was to bring folks together and thought that was what the music would do. One year ago today from when the awning fell is when everything fell. Some may have heard that Eden's Green Apple, Inc. left Eden and would not sign an agreement, but that is not what happened. On April 5th of last year there was a Special Meeting of the City Council, and the Green Apple building was discussed that night. It is his firm belief that all of this could have been handled with a phone call. Now the City needs to justify the actions taken. At last year's meeting, he noted that accusations will divide us all, and no one will win, and that letting things go was not a sign of weakness, but the art of caring for others. If he never returns to this Council room, it will serve him fine. The Green Apple building was just a place to share his love of music. Elected leaders are the ones to make the decisions. He has nothing to hide or apologize for. He does apologize for adding to the problem. He added, however, that he has spent thousands of hours without taking a dime, and now he has basically been run out of town.

A supporter of the Green Apple Music Series noted that the music was a way to bring in the younger crowd. Being from the community, and part of the history of Eden, there are memories from the 1965 and 1966 football season when the team went as far as they could. With a new beautiful school, we need to embrace and support the kids and the community. We need to talk to the kids and make them part of the community. Eden is not the same place now. Many folks have left and come back to what used to be a close-knit family, and this atmosphere is wanted again.

In regards to questions about the total costs of the attorney's fees for the forensic audit, City Administrator Laura Beeson noted that this information would need to be put together and reported out at the next meeting.

Citizens noted that there is much turmoil to include the condition of the roads, at the Swimming Pool, and with the Hospital.

Another citizen noted that the job at hand is how to make all happy. The Green Apple Music Series was a positive thing for Eden in a beautiful venue that anyone could have used. It took old buildings and turned them into something nice. Now we have to drive 45 miles to hear the Green Apple Music Series. It is hard to understand why things have been taken away that are good for us. Why is the Council taking away the good things? The Golf Course was beautiful, and the Green Apple Music Series was a good thing. Why are we getting rid of it. This is awful. We love Eden and the people who live here.

In response to the question as to who suggested the audit, the Mayor and City Administrator noted that suggestion for the forensic audit came from the Texas Rangers.

5. 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 February 14, 2023, Regular Session Minutes
- B. Approval of February 23, 2023, Special Session Minutes
- C. Approval of Financial Statement Month Ending February 2023
- D. Approval of City of Eden Investment Report Month Ending February 2023

City Council Member Hall made a motion to approve consent items A-D, seconded by Council Member Gandy. Motion carried 5-0.

Motion made by Hall, Seconded by Gandy.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

6. REPORTS OF OTHER AGENCIES, COMMISSIONS, & STAFF

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

Frazier noted that the EEDC had negotiated a Purchase Agreement for the remaining interior Industrial Park tracts, and this agreement would be discussed under the appropriate agenda item.

7. BUSINESS

Consideration and Possible Action On:

- B. Presentation from Abilene Environmental Landfill (AEL) for disposal and collection of Municipal Solid Waste, Construction & Demolition Waste, Non-hazardous Industrial Class 1, 2, & 3 Waste, Exploration & Production Waste, exempt Railroad Commission Waste, tire processing and disposal, and liquid solidification and disposal services**

For Business Item "B", Dale Garner with AEL presented information to the City Council regarding their privately-owned landfill located in Abilene, TX. He explained the services that AEL offers, as well as, a list of references. He also detailed AEL's willingness to help each community that they serve and provided

examples of this community help provided to Tuscola, Roby, and Haskell, TX. AEL does have a tire shredder and is able to accept tires for disposal.

**N. Consideration of Zoning Board recommendation regarding application from CoreCivic for Zone Change from Commercial "C" to Mobile Home Park "F" for placement of staff temporary living quarters and move application to the Zoning Board for the following property:
804 E. Broadway, 12.48 acres out of AB 1632 Sur 4 TB Drinkard, Eden, TX**

Brad Wiggins with Core Civic discussed Business Item "N", consideration of a Zone Change Request for 12.48 acres out of AB 1632, Survey 4, TB Drinkard Subdivision. The Zone Change request to change from Zone "C" Commercial to Zone "F" Mobile Home Park was approved by the Zoning Board on Monday 3/13/23. Core Civic's number one issue is how to recruit and retain staff at this facility, and finding housing for these staff is critical in solving this issue. Core Civic is proposing a short-term solution on the East side of the Detention Center and a long-term solution on the West side of the Detention Center. This Zone Change is for the short-term solution which will include seven units facing the highway in a U-shaped configuration. These are FEMA buildings which include two bedrooms each, a common area, and a kitchen. These will help in the short-term to fill staff vacancies. On the West side, Core Civic is looking to work with a contractor such as D.R. Horton, and Core Civic will submit another Zone Change application for this by this summer. Corrections are different today, and having the ability to recruit and retain staff is critical. Core Civic was formed in 1983, and Concepts opened the facility here in Eden in 1985. In 2016, Concepts rebranded as Core Civic which has several divisions. Mr. Wiggins demonstrated the site plan, an aerial view, the setbacks, and the floor plan of the units. These units are currently in operation in Oklahoma, in two facilities in Colorado, and in two facilities in New Mexico.

In response to an audience question, Mr. Wiggins confirmed that Core Civic would be responsible to maintain these units. Staff must meet certain criteria to qualify for this housing which will be offered for a 90-120 day stay. The Warden, HR, Maintenance and other staff will be overseeing these units. There have been no issues in the other locations where these units have been installed.

In response to another audience question, Mr. Wiggins noted that fencing and screening will be installed to help keep debris from the facility from entering the neighboring yards.

In response to a question regarding what happens to these units if the facility closes, Mr. Wiggins explained that these will only be a short-term solution, and it is anticipated that these will only be on site for about 24 months. During this time, the long-term housing solution should be established. Council Member Martinez questioned the time frame for when these units would be installed, and Mr. Wiggins responded that these units should start to be set by mid-April 2023 with completion by late summer.

These units cost about \$230,000, and the construction to install these is estimated at \$225,000. Core Civic will hire 5 to 8 folks to help with the construction. Core Civic estimates these units to contribute about \$5,000 to \$6,000 a year in water and sewer usage.

Anita Aguilar asked what happens to these units after 24 months, and Mr. Wiggins explained that they would be transitioned to another Core Civic facility at that time, as the long-term housing should be established in Eden by then.

Council Member Dunaway inquired as to how many long-term housing units were anticipated. Mr. Wiggins noted that Core Civic anticipates about 20 to 30 long-term housing units to be completed, with the possibility of more.

Motion to approve CoreCivic's application for a Zone Change from Commercial "C" to Mobile Home Park "F" for placement of staff temporary living quarters for the property located at 804 E. Broadway, being 12.48 acres out of AB 1632 Sur 4 TB Drinkard, Eden, TX, was made by Council Member Dunaway, and motion was seconded by Council Member Gandy. Motion carried 5-0.

Motion made by Dunaway, Seconded by Gandy.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

A. Approval of Purchase Option Agreement between Eden Economic Development Corporation and Rocky Mountain Energy Development, LLC, for the purchase of Tracts 8A through 12A and Tracts 15A through 19A of the Replat of Eden Industrial Park, Concho County, TX

Brent Frazier, EEDC President, discussed Business Item "A", a Purchase Option Agreement with Rocky Mountain Energy Development, LLC, for the purchase of Tracts 8A through 12A and Tracts 15A through 19A in the Eden Industrial Park. This area will be used for storing battery power. The entire area will be fenced and graveled. Sea Containers will be installed on a slab, and each container will contain batteries which will store power. The power will be sent to the power grid as needed and companies will contract for the use of this power. This facility will be a good addition to the tax base.

Anita Aguilar asked if this left any lots available in the Industrial Park. City Administrator Laura Beeson explained that the City of Eden still owns Tracts 2 through 6 in the Eden Industrial Park. Tracts 2, 3, 5, and 6 have leased towers on them, and Tract 4 is the location of the City's Deep Well #3.

In response to a question as to whether the City could use the power from these units, Frazier explained that anyone could enter into an agreement as a customer to access this stored power.

Motion to approve Eden Economic Development Corporations Purchase Option Agreement with Rocky Mountain Energy Development, LLC, for the purchase of Tracts 8A through 12A and Tracts 15A through 19A in the Eden Industrial Park was made by Council Member Gandy and seconded by Council Member Hall. Motion carried 5-0.

Motion made by Gandy, Seconded by Hall.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

C. Consideration of citizen Omar Martinez's request to swap street names on Harrod and Petty Streets, thus renaming the streets in recognition of the contribution of citizens

City Administrator Laura Beeson presented Business Item "C", a request from citizen Omar Martinez to swap street names on Harrod and Petty Streets in recognition of the contributions from citizens. Beeson explained that by changing the street names, this would affect the addresses of numerous citizens who reside on these streets currently. A list of names of those affected was provided to Council.

Jamie Bozek noted that all of these citizens would be required to change their address and all of their bills. She would be upset if this involved her address.

The audience commented that this would be a major inconvenience.

Paula Duwe noted that this would have a detrimental affect on deeds and title searches, and could cause additional problems.

Phyllis Ellison suggested that maybe another solution could be found to honor these citizens for their contributions such as an historical marker.

Council Member Hall made a motion to defer action.

Council Member Dunaway made a motion to decline the request to swap the street names on Harrod and Petty Streets, seconded by Council Member Hall. Motion carried 5-0.

Motion made by Dunaway, Seconded by Hall.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

D. Consideration of and authorization for Mayor to sign a Resolution suspending for 45 days the effective date proposed by Atmos Energy in its application filed on or about February 15, 2023, pursuant to Section 104.301 of the Gas Utility Regulatory Act

Mayor Torres noted that there was an error on the agenda for Business Item "D", a Resolution to Suspending the effective Date for 45 days for a proposed West Texas Gas application. The agenda stated the company as Atmos Energy instead of West Texas Gas. This item will be moved to the next agenda in order for the correction to be made and published correctly to the public.

E. Consideration of and authorization for Mayor to sign a West Central Wireless First Amendment to Land Lease Agreement for Tower Site and Memorandum of Lease extending the Land Lease Agreement for 10 years and providing for 5-year renewal terms and additional rent receipts of 10% of any rent received by West Central Wireless from any company to place equipment on their tower

City Administrator Laura Beeson discussed Business Item "E", West Central Wireless First Amendment to Land Lease Agreement for Tower Site and Memorandum of Lease extending the Land Lease Agreement for 10 years and providing for 5-year renewal terms and additional rent receipts of 10% of any rent received by West Central Wireless from any company to place equipment on their tower. Motion to approve West Central Wireless First Amendment to Land Lease Agreement for Tower Site and Memorandum of Lease was made by Council Member Gandy, seconded by Council Member Martinez. Motion carried 5-0.

Motion made by Gandy, Seconded by Martinez.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

H. First Reading, public discussion, and approval to move to a second reading of an Ordinance of the City of Eden, Texas, providing for the regulating and controlling of animals, livestock, and fowl within the city limits of Eden; declaring a nuisance; providing for the licensing, registration, vaccination, and impoundment of dogs and cats; providing for requirements to control dangerous dog; providing for quarantine regulations; providing for licensing of livestock, wild or dangerous animals, and animal livestock, wild or dangerous animals, and animal establishments; providing for a penalty clause; providing for a severability clause; providing for a repealing clause; and providing for an effective date

City Administrator Laura Beeson discussed Business Item "H", first reading, public discussion, and approval to move to a second reading of an Ordinance of the City of Eden, Texas, providing for the regulating and controlling of animals, livestock, and fowl within the city limits of Eden; declaring a nuisance; providing for the licensing, registration, vaccination, and impoundment of dogs and cats; providing for requirements to control dangerous dog; providing for quarantine regulations; providing for licensing of livestock, wild or dangerous animals, and animal livestock, wild or dangerous animals, and animal establishments; providing for a penalty clause; providing for a severability clause; providing for a repealing clause; and providing for an effective date. There are no changes to the original ordinance. This ordinance requires two readings, and we are just making sure this is passed and approved through two public readings and hearings. The

City has some problems with dogs at large, and we will begin issuing citations for these violations. Motion to approve and move the Animal, Livestock, and Fowl Ordinance to a second reading and public hearing was made by Council Member Gandy, seconded by Council Member Hall. Motion carried 5-0.

Motion made by Gandy, Seconded by Hall.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

I. Consideration of TWDB Bond debt payoff through a transfer of remaining funds of approximately \$400,495 from Infrastructure Account 156291 to TWDB Bond Reserve Account 27712

City Administrator Laura Beeson discussed Business Item "I", consideration of a Texas Water Development Board Bond debt payoff through a transfer of remaining funds of approximately \$400,495.00 from Infrastructure Account 156291 to Texas Water Development Board Bond Reserve Account 27712. If these funds are used towards this TWDB Bond, then combined with the annual payment of \$50,000 in December, the remaining balance would be paid in full. By paying this balance in full, this would free up \$50,000 in the budget annual, and reduce the City's overall debt.

Motion to deny the transfer of remaining funds of approximately \$400,495.00 from Infrastructure Account 156291 to Texas Water Development Board Bond Reserve Account 27712 was made by Council Member Hall, seconded by Council Member Dunaway. Motion fell 2-3 with Council Members Gandy, Aguirre, and Martinez opposing.

Motion to defer to a later date the transfer of remaining funds of approximately \$400,495.00 from Infrastructure Account 156291 to Texas Water Development Board Bond Reserve Account 27712 was made by Council Member Aguirre, seconded by Council Member Hall. Motion carried 5-0.

Motion made by Aguirre, Seconded by Hall.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

J. Approval of various purchase requests:

A. Consideration of request to purchase additional seasonal banners for City Square from Fast Signs for a total of \$3,918.68

B. Consideration of request to purchase 6 Reconditioned Portable Radios for Emergency Management from Texas Communications for a total of \$6,120.00

C. Approval of Invoice from Purcell Contracting, LLC, for sewer repairs in the amount of \$41,111.00

City Administrator Laura Beeson discussed Business Item "J", approval of purchase requests for seasonal banners from Fast Signs in the amount of \$3918.68; for six reconditioned portable radios for Emergency Management from Texas Communications in the amount of \$6120.00; and for sewer repairs to Purcell Contracting, LLC, in the amount of \$41,111.00.

Motion to approve requests A (banners) and C (Sewer Plant Repairs) was made by Council Member Hall, seconded by Council Member Dunaway. Motion carried 5-0.

Motion made by Hall, Seconded by Dunaway.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

A discussion ensued regarding whether grant funds were available for the emergency management radios. Beeson and Concho County Deputy Brent Frazier noted that the need for these emergency management portable radios was discovered during a recent emergency drill, as Concho County Sheriff's officers did not have any way to communicate with City staff during an emergency situation.

A suggestion to use cell phones was made from the audience, and Deputy Frazier noted the different capabilities of these emergency radios vs. cell phones. Mayor Torres noted that if an emergency came up, these portable radios would be needed. Motion to approve purchase request B (Portable Radios for Emergency Management) was made by Council Member Gandy, seconded by Council Member Aguirre. Motion carried 5-0.

Motion made by Gandy, Seconded by Aguirre.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

K. Consideration of 3/14/2023 FY2023 Budget Adjustments

Motion to approve Business Item "K", FY2023 Budget Adjustments for 3/14/23 was made by Council Member Gandy, seconded by Council Member Hall. Motion carried 5-0.

Motion made by Gandy, Seconded by Hall.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

These Budget Adjustments include the following:

FUND	ACCOUNT	DESCRIPTION	ORIGINAL BUDGET	ADJ 3/14/23	NEW BUDGET
1	452-6201	PROPERTY TAXES-CURRENT	-350,000.00	-10,000.00	-360,000.00
1	452-6201	PROPERTY TAXES-CURRENT	-350,000.00	-10,000.00	-360,000.00
1	452-6202	PROPERTY TAXES-DELINQUENT	-12,000.00	-1,550.00	-13,550.00
1	452-6602	FRANCHISE TAX-GAS (YEARLY)	-4,400.00	-640.00	-5,040.00
1	453-7301	TRANSFER SITE FEES	0.00	-3,000.00	-3,000.00
1	453-7900	IGA EDEN DETENTION CENTER	-265,000.00	-135,000.00	-400,000.00
1	454-5202	COPIES/FAXES	-50.00	-60.00	-110.00
1	454-5603	MULTI-PURPOSE CENTER RENTAL	-1,500.00	-200.00	-1,700.00
1	511-4201	CITY HALL EXPENSE	25,000.00	13,050.00	38,050.00
1	511-4501	OFFICE EXPENSE	40,000.00	3,000.00	43,000.00
1	511-5502	BANK FEES / FILING FEES	0.00	200.00	200.00
1	513-3101	STREET EXPENSE	20,000.00	5,000.00	25,000.00
1	513-3201	DUMPTRUCK EXPENSE	2,500.00	800.00	3,300.00
1	515-5501	MULTI-PURPOSE CENTER EXPENSE	4,800.00	5,000.00	9,800.00
1	515-5506	BUSINESS INCUBATOR EXPENSES	0.00	2,000.00	2,000.00
2	451-1102	WATER SALES-UNMETERED	-7,000.00	7,000.00	0.00
2	452-1101	SEWER OP EXP REIMB CCA	-125,000.00	30,000.00	-95,000.00
2	452-2201	SEWER SERVICE	-155,000.00	-10,000.00	-165,000.00
2	454-5501	MISCELLANEOUS RECEIPTS	0.00	400.00	400.00
2	454-5801	INTEREST EARNED	-1,100.00	-900.00	-2,000.00
2	501-2601	RETIREMENT BENEFITS	9,800.00	4,000.00	13,800.00
2	502-3101	WATER OPERATIONS EXPENSE	200,000.00	10,000.00	210,000.00
2	502-4001	BACKHOE /AIR COMP/SKID STEER	10,000.00	3,000.00	13,000.00
2	502-4201	PICKUP OPERATING EXPENSE	8,000.00	5,000.00	13,000.00
2	502-4202	PICKUP FUEL EXPENSE	12,000.00	1,500.00	13,500.00
2	503-2601	RETIREMENT BENEFITS	1,700.00	400.00	2,100.00
2	503-3201	SEWER OPERATIONS EXPENSE	100,000.00	72,500.00	172,500.00
2	503-3208	PICKUP OPERATING EXPENSE	2,500.00	-1,500.00	1,000.00
18	454-5801	INTEREST EARNED	0.00	-20.00	-20.00
18	518-3103	SUPPLIES-FUEL & LUBRICANTS	0.00	400.00	400.00
18	518-5101	UTILITIES-ELEC,GAS,TELE	0.00	-380.00	-380.00

8. EXECUTIVE SESSION

The City Council for the City of Eden has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter 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 551.086 (Economic Development).

Council entered into Executive Session at 8:48 PM under Section 551.071 (Consultation with Attorney).

Council returned to regular session at 9:32 PM.

9. BUSINESS (Continued)

Consideration and Possible Action On:

F. Forensic Audit Update and consideration of further actions

Mayor Torres noted that Business Item "F", an update on the Forensic Audit, had been requested by Council Members Hall and Gandy. The City Attorney had submitted a letter along with the results and documentation from the forensic audit to law enforcement, and they have declined to pursue this matter.

Mayor Torres responded negatively to a question from Cindy Cate as to whether the City Council would apologize.

G. Discuss Status of Green Apple Building and Status of a Possible Lease with Eden's Green Apple, Inc. for the buildings and back lot property located at 301-311 S. Main Street, Eden, TX

Council discussed Business Item "G", the status of the building known as the Green Apple, and the status of a possible Lease with Eden's Green Apple, Inc., for the use of this building. Mayor Torres noted that this item was placed on the agenda by Council Members Hall and Gandy in order to provide updates. The awning structure that fell has been removed, and City Council can lease the building, sell the building to the Eden Economic Development Corporation, or auction it for sale to the public. The other warehouse buildings in this complex are owned by EEDC.

Craig Pfluger stated that he had a letter from City Attorney Jeff Betty to Eden's Green Apple, Inc. attorney Dan Hurley which stated that no negotiations would be held regarding a lease between the City and Eden's Green Apple, Inc. until the situation with the forensic audit concluded. Eden's Green Apple, Inc. has a lease with San Angelo for the 2023 Music Series season.

Anita Aguilar noted that as a citizen, she would like to have the building open as a public rental facility.

Council Member Hall noted his preference to continue the deferred action on a lease to Eden's Green Apple, Inc. The City can move the building to EEDC.

Wade Ellison noted that the Spirit of Eden Fund had invested a lot of funds into the building such as sound systems and lighting, and he would prefer that the building remain as either property of the City of Eden or of the Eden Economic Development Corporation.

Audience members noted that some San Angelo Gives funds had also been used for the facility.

EEDC President Brent Frazier explained that his preference was that the entire complex go back on the tax rolls as useable business space.

Eddie Markham noted that with Eden's Green Apple, Inc. having their 2023 music series in San Angelo, and with the Golf Course not operating currently, there is no other entertainment in Eden. He would like to see the Green Apple music series come back to Eden.

Council Member Dunaway noted that we will need to employ an engineering firm to make sure a new awning structure is installed correctly, to fix the building, and to make it safe.

Council Member Martinez noted that, on advice of counsel, we will also need to change the name of the building to differentiate it from the music series.

Council Member Dunaway also stated that we can then rent out the facility.

Mayor Torres noted that we need to make sure we have separate electrical panels, one for inside the building, and one for the lighting outside the building, as well as have plans from a structural engineer.

Paula Duwe noted that she would like to see the City leave the door open for a lease with Eden's Green Apple, Inc., for the Green Apple music series to return. She would like to see the City work with this group. We can change and change attitudes.

Council Member Dunaway made a motion to pursue a structural engineering contract for this structure and upgrade the electrical and any other safety issues.

Butch Williams noted that he thinks the City should have an interested party in the building before expending funds, as the costs for these improvements will be high.

The motion was seconded by Council Member Martinez. Motion carried 4-1 with Council Member Hall opposing.

Motion made by Dunaway, Seconded by Martinez.

Voting Yea: Martinez, Aguirre, Dunaway, Gandy

Voting Nay: Hall

L. Updates and possible action regarding Management, Maintenance, and Funding of Golf Course, to include consideration of electrical estimates for the check valve

Council Member Gandy discussed Business Item "L", updates on the Golf Course. He reported that 10 showed up for the Work Day, and they took about 2 or 3 loads of tree limbs to the dump. They are currently not tending to the greens. Gandy introduced Matt Drake from Riverside Golf Course.

As soon as the electrical work to connect the check valve is complete, we need to make sure the sprinkler heads are working, so we can get water to the greens.

Mayor Torres distributed information which showed the amount originally budgeted for the golf course for annual upkeep estimated at \$94,600 at that time. Mayor Torres noted that as a City, we did not follow through and set these funds aside annually. We need new estimates for how much it costs to run the golf course annually. He has never been against the Golf Course. He just wants to pass on the principles instilled in him from being born and raised in Eden. We need proper accountability for the money we are spending.

Butch Williams stated that if we are looking for a town that makes money on a golf course, we won't find one.

Eddie Markham noted that the City has operated the Golf Course for 25 years with no problems. City Administrator Laura Beeson explained that the difference this year is that the City added a \$90,000 annual water and sewer bond payment. This bond payment started last year and will continue for 40 years.

Matt Drake noted that using a management company can help with these costs, because you can use the revenue to keep costs down.

Mayor Torres noted that the City has a multitude of issues to address, and there are not enough funds to go around. We need to address our roads. We have no streetlights. The Sheriff's Department is maxed out, and we have no Code Enforcement. As a City, we have to decide what to address first. The Swimming Pool was also neglected. We have to determine what to focus on. As Mayor, he has seen all of the issues, and the City can not operate outside of the available funds. We have to take the information in and make decisions based off of that information. When making that decision, we have to be fully aware of the available money.

Mayor Torres asked Mr. Drake to do an assessment of the Golf Course. The good news is there is ample water available for the course. We need to look forward and put money back into the course.

Mr. Drake noted that he has an electrician that he uses for his projects, CSG in San Angelo. Mr. Drake also has free advertising, as he operates two radio stations, 101.1 "The Bull" and 103.5 "The Ram". At Riverside, he had to add events to generate revenue. For a golf course, you need water, fertilizer, and mother nature.

Mayor Torres asked Mr. Drake to provide a presentation at the next City Council meeting.

M. Approval of February 2023 Bills

Motion to approve Business Item "M", February 2023 Bills, was made by Council Member Hall, seconded by Council Member Gandy. Motion carried 5-0.

Motion made by Hall, Seconded by Gandy.

Voting Yea: Martinez, Aguirre, Hall, Dunaway, Gandy

10. ADJOURN

The meeting was adjourned at 10:25 PM.

Agapito Torres, Mayor

Laura Beeson, City Secretary/Administrator