

July 26, 2021	MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF OLNEY, TEXAS	6:00 P.M.
<p>The City Council of the City of Olney, Texas, met Monday, July 26, 2021 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Tom Parker, Councilmembers Harrison Wellman, Brad Simmons, Terri Wipperman and Chuck Stennett. Staff Present: City Administrator Neal Welch, Assistant City Administrator Arpegea Pagsuberon, Police Chief Dan Birbeck, City Secretary Tammy Hourigan, Public Works Director K.C. Blassingame, City Attorney Bill Myers, Attorney Daniel Branum. All agenda items were subject to action. Meeting was broadcast and recorded online using GoToMeeting.com in accordance with Open Meetings Laws guidance during COVID-19 Pandemic Disaster.</p>		
Mayor Rogers called the meeting to order at 6:00 P.M.		CALL TO ORDER
Mayor Rogers gave the invocation.		INVOCATION
<p>There were no citizens present during the Citizen Comment Period but Mayor Rogers did state that Ms. Pagsuberon had let him know that there had been an Appreciation Form received at City Hall. Stacy Turner had submitted a complaint prior to the last Council Meeting that there was a pothole that needed repair on Cherry Street. It was repaired the day following the meeting. He appreciated the quick attention.</p>		CITIZEN COMMENT PERIOD
<p>Mayor Rogers entertained a Motion to adopt the Minutes from the June 24, 2021, June 28, 2021 and July 6, 2021 Council Meetings as written. Councilmember Wipperman made said Motion and Mayor Pro-Tem Parker seconded. Council voted unanimously to Approve the Motion.</p>		CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)
<p>Mayor Pro-Tem Parker gave an update from The Finance Committee, which met at 5:00 P.M. just prior to the Council Meeting. He stated that the field trip taken the week before to the Water Treatment Plant was a success. There were seven of the Finance Committee members in attendance. He felt that it gave them a better understanding of what exactly was needed and a firsthand look as to the condition of the current Plant. During the Meeting there were three Sub Committees formed. One Committee will work on the Bond issue, creating those documents, help to identify what funds are needed and how to go to market with the Bond. Mr. Hinton (Corlett, Probst & Boyd, LLC engineer) had informed the Committee through Mr. Welch, that the City of Olney was not approved for any of the Grant money that had been applied for. Mr. Hinton did let Mr. Welch know that there was additional funding available and he was going to explore those. The second Committee will look at the extemporaneous elements such as water meters, valve plugging machines, pipe inspection equipment, things such as this. Taking a look at the water leakage and loss and explore ways to lessen that such as valves being put in place to isolate sections. The third Committee will explore hardships. It's</p>		UPDATE FROM THE FINANCE COMMITTEE

<p>known that going forward with this Project, the expense will cause water rates to increase. For those individuals that will be impacted with an increase that is unmanageable, this Committee will explore State Guidelines and options that are available to assist with this hardship. The Finance Committee will meet again in two weeks just prior to the regularly scheduled Council Meeting and the sub - Committees will be holding meetings before that time. Mayor Pro-Tem Parker stated that he was pleased with the progress.</p>	
<p>The Council entered Executive Session at 6:06 P.M. and came out of Executive Session at 7:00 P.M. Mayor Rogers entertained a Motion to increase Chief Birbeck's annual salary to \$66,000.00. Mayor Pro-Tem Parker made said Motion and councilmember Simmons seconded. Council voted unanimously to Approve the Motion.</p>	<p>EXECUTIVE SESSION: DISCUSS THE EVALUATION AND DUTIES OF CHIEF OF POLICE DAN BIRBECK PURSUANT TO SECTION 551.074(a) OF THE TEXAS GOVERNMENT CODE</p>
<p>Chief Birbeck stated that the copier currently in the Police Department is over 12 years old. It will no longer inner-face with the needed programs. The reports are not able to be opened. No updates are available due to the age. The technician stated that it could not be updated and recommended that a new copier be acquired. The copier is still operational other than this problem, which is major considering where it is needed. Chief Birbeck stated that it could be sold or repurposed. Chief Birbeck stated that he had found a lease from Mesa Business Machines that was in the neighborhood of \$235.00 per month to lease, but had turned it over to Mr. Welch to explore. Mr. Welch stated that he was researching options and had found one competitor in Wichita Falls that was less than \$200.00 per month to lease. Mayor Pro-Tem Parker asked if the Police Department lease would be rolled into the lease with the other City Hall copiers? Mr. Welch stated that most likely it would be a stand-alone lease and not be bundled with the others. He stated it would probably be a 4-5 year lease instead of purchasing a new copier for \$20,000.00 or more. Mayor Pro-Tem then verified that it would be approximately \$2500.00 per year to lease, then inquired as to what amount was available in the Police Department Office Supplies Budget? It was determined that there was money available between Office Supplies, Office Equipment Purchase/Lease. Chief Birbeck stated that he would examine the Budget for 2021-2022 to be able to cover going forward next year. It was determined that no action was needed.</p>	<p>DISCUSS AND CONSIDER NEW COPIER LEASE FOR THE POLICE DEPARTMENT</p>
<p>Tony Fadel was present and introduced himself to the Council. He is a partner with the law firm Perdue Brandon. They are the majority owners of the Texas Communities Group, LLC which the City of Olney currently uses to handle and process the bids for City lots. Perdue Brandon also collects the City of Olney delinquencies due to Municipal Court. They currently represent 2000 entities over 7</p>	<p>PERDUE BRANDON REPRESENTATIVE PRESENT TO DISCUSS SERVICES</p>

States. The Wichita Falls office, which employs 4 attorneys and 9 legal assistants covers the area which resembles the NORTEX Regional Planning Commission territory. He stated that they only represent Cities, Counties and School Districts. He explained that through TCG they work to try and collect delinquent property taxes. They send letters and make phone calls. The goal is to get everyone to pay without litigation. There are times when this does not happen. The case goes before Court to be heard, TCG gets a judgement, which allows them to sell the property. Under Texas law that property is sold the first Tuesday of the Month between 10:00 A.M. and 4:00 P.M. at the Courthouse steps. Those properties that do not sell are what TCG (Texas Communities Group) then markets for the City. TCG also takes care of Code Enforcement properties for the City of Olney. He explained that if the properties are presented for sale at the Courthouse steps and do not sell, they are then turned over to TCG per the agreement that TCG has with the City. Currently the City of Olney pays TCG \$4000.00 annually. They list the properties, handle the paperwork, take the bids. There is an interlocal agreement with the other taxing entities (County and School). The City of Olney receives the first \$2,500.00 plus maintenance costs if the purchase is agreed upon. He stated that the other taxing entities agree to this since the City ends up incurring the costs due to the maintenance of those properties. The Council Members were shown a handout that listed all the properties currently on the bid list. Mr. Welch noted that one of the properties listed had already been closed. The list stated the properties, the current bid amounts and the bidders along with accrued maintenance costs. The taxes owed along with the aging of those taxes is also included on the list. The list also stated if there is a structure and how the property is currently zoned. He stated how the process works, the property is listed on the website for bidding, once bid the property stays active for 25 days allowing for more bids then closes. The bidder is not disclosed up to this point to TCG. That ensures that no one can be contacted to tell another to up their bid. Once the bids are closed, TCG contacts the winning bidder, states to them that they had the high bid and collects their money at that time. This is done before any bidding information goes before the City Council to ensure that the individual is serious about the purchase before all the numbers are presented for approval. The money is placed into an account for the individual pending approval. If the bid is approved by Council (and the other taxing entities) the purchase process proceeds. If not, the bidder is notified by mail and their money is returned. Currently the bids are presented to the Council one time a month (if there are any needing approval) on the first Council Meeting of each Month. Mr. Fadel reminded the Council that they had the choice to reject a bid as long as it did not involve rejecting a bid to a "protected class". He explained that there were entities that did not want to sell to bidders outside their particular area. He gave the example that a bidder was located in California and bids more than a local bidder. The entity is under no obligation to take that higher bid. As long as the bidder is not part of a "protected class". Councilmember Wellman than asked if the properties that did not sell on the Courthouse steps and were turned over to TCG were verified to be available to be sold by the City of Olney before TCG placed them on the bid list? He was told

<p>by Mr. Fadeli that yes, all properties were approved for bid by the City of Olney before being advertised available for bidding. He also explained that even if a property was listed for bids and appeared on the list, the City has the ability to have the property removed from the list if they decide to not sell. He then referenced a piece of property that was currently on the list that the City was using to store pipe. There were bids and notification of a winning bid, but the City was under no obligation to accept that bid. Mayor Pro-Tem then asked if there was a particular window or timeframe to accept the bid. Mr. Fadeli suggested that the City would want to begin trying to make decisions since the money had been collected in May for the winning bids and that the bidders had been calling TCG inquiring as to the status.</p> <p>Councilmember Wellman then asked what happens if there happens to be a property that is worth a substantial amount more than what is bid and the City decides to keep it? Mr. Fadeli stated that in most cases like that, the City would contact the other taxing entities (School and County) and inquire as to whether they would deed the property to the City? If an agreement is reached TCG will then prepare the documents for that transaction. It would then go before the School Board for approval and the Commissioners' Court for approval. If approved, the City would then own the property "outright" and not "in trust". This same instance could apply to one of the other taxing entities wanting to acquire a listed property. With that, Mr. Fadeli told the Council he was available to answer any questions and to call if needed. Mayor Rogers thanked him for attending and he left the meeting.</p>	
<p>Mayor Rogers state that the Public Hearing would be opened at 7:21. Ms. Pagsuberon presented the Council with a handout which highlighted the section in question. There was no one attending the Public Hearing. Mayor Pro-Tem Parker indicated that he was familiar with the property. It was actually located near to the one in question. The property being discussed is owned by Mr. John Compton. It is currently zoned R-3 along with most of the existing property nearby, except for Mr. Echols located across the street which is zoned MH. Since it is located across the street, it is not considered "spot zoning" to request a re-zone from R-3 to MH. Ms. Pagsuberon explained that Mr. Compton was wanting to add long term RV spots in the area. It's estimation that there could be 20-25 spots and with the larger RV spots he would also want to supply storage areas. Mayor Pro-Tem Parker then inquired as to whether MH was the correct zoning for an area that was an RV Park? Ms. Pagsuberon verified that it was. Currently existing RV Parks in the City of Olney are zoned MH. Ms. Pagsuberon then stated that individuals could in fact place "park model" RVs in these areas but that there was a restriction to using these areas as Mobile Home Parks. Attorney Branum inquired as to whether these were the lots purchased last year from the City? No one was positive as to the answer without researching. He then stated that he knew it was his original plan to construct "tiny houses" on the property for rental, but with the escalating costs of building materials, that was not in the immediate future. Mayor Pro-Tem Parker then stated that he was aware that Officer Hudson had mentioned in the past that the City of Olney was in need of zoning and possibly updating the zoning for mobile homes, he was not present at the</p>	<p>PUBLIC HEARING; REQUEST TO REZONE LOT 516 SOUTH AVENUE B FROM RESIDENTIAL 3 (R-3) TO MOBILE HOME (MH)</p>

<p>Meeting. Officer Hudson had stated that there was no zoning or Ordinances that were set up in the City of Olney that mimicked other cities. He stated that that he wasn't saying no, just that he felt the Council needed more information. After more discussion it was decided that the current Mobile Home Ordinances needed to be researched and updated. It was also mentioned that the possible zoning for RV should be explored. Mayor Pro-Tem Parker stated that there needed to be rules and Ordinances established that were current and outlined expectations for today's times. Mayor Rogers closed the Public Hearing at 7:30. Mayor Pro-Tem Parker stated that it could be a couple of meetings before Officer Hudson would be able to research and make a presentation of what actually needed to be addressed since he was currently on vacation. The item was tabled and no action was taken.</p>	
<p>Attorney Branum recommended that this Ordinance be tabled at this time. He stated that he had reviewed the Ordinance as it had been revised and wanted to make sure that it did not violate anti-trust laws. He felt that it would be prudent to take the time to ensure the Ordinance stated all that was needed in the correct way. Mayor Rogers tabled the item.</p>	<p>SECOND READ AND DISCUSS ORDINANCE TO ENFORCE THE CONTRACT WITH WASTE CONNECTIONS AS A SOLE SOURCE PROVIDER</p>
<p>Mayor Rogers stated that Ordinance #03-21 was read at the last meeting and asked if there were any questions regarding said Ordinance. There were none. He then read Ordinance #03-21 to increase new water tap fees. Mayor Rogers entertained a Motion to accept Ordinance #03-21. Mayor Pro-Tem Parker made said Motion. Councilmember Stennett seconded. Council voted unanimously to approve the Motion.</p>	<p>SEDOND READ AND DISCUSS ORDINANCE TO INCREASE NEW WATER TAP FEES</p>
<p>The Council was given handouts for review. Ms. Pagsuberon demonstrated to the Council what the new documents would look like that are able to be produced by the new ASYST software. Although there is some difference from what the Council has used in the past, it was decided that they were okay going forward with utilizing the new software and a document would be reviewed Quarterly and Department Heads would be able to answer questions concerning their respective areas. Councilmember Wellman had some questions concerning specific line items and they were discussed. There was a discussion concerning the garbage revenue and it will be examined. There then was question about Miscellaneous Revenue. The amount seemed higher than budgeted. It was determined that Grant money was posted to the incorrect General Ledger (during the discussion Ms. Pagsuberon determined it was a USDA Grant). Mayor Rogers inquired as to a line item listed on Mayor and Council. It was determined that it was a mistake made when copying and pasting the document. This was discussed earlier in the meeting that errors could occur since the document that had been used in the past was manually created and not using the numbers</p>	<p>BUDGET UPDATE</p>

<p>generated by the software. The Council will research the handouts and return to the next Budget Workshop with any questions or concerns. Councilmember Wellman inquired as to Capital Outlay Items for the upcoming Budget Year? Mr. Welch stated that those items would be in the Decision Packet that was currently being prepared. Mayor Pro-Tem Parker stressed the importance of the numbers being closely examined for the Water Department due to the upcoming expenses for at least the next two years.</p>	
<p>The Council entered Executive Session at 8:05 and came out of Executive Session at 8:29.</p>	<p>EXECUTIVE SESSION: DISCUSS REAL PROPERTY AT LAKE COOPER PURSUANT TO SECTION 551.72 OF THE TEXAS GOVERNMENT CODE</p>
<p>Mayor Rogers took a moment to thank the Public Works Department for their hard work over the weekend. There was a water break and they worked overnight to quickly take care of the problem. Mr. Welch stated that there would be \$767,000.00 being made available to the City of Olney due to the American Recovery Act. Half of the funds should be paid in 2021 and the other half in 2022. Mr. Welch stated that he would like to proceed with the purchase of the valve machine and valves since those funds were in the works. It was determined that no action could be taken at this time on that item and he was told to look at the current Budget to see if there were any funds available that could be used. It was determined that if this was approved, it would have to be presented as an amendment and a new line item.</p>	<p>DISCUSS OTHER COUNCIL MATTERS- ITEMS OF CONCERN TO MEMBERS OF THE CITY COUNCIL</p>
<p>There being no further business to come before the Council, the Council adjourned by consent at 8:45.</p>	<p>ADJOURNMENT</p>
<p>ATTEST:</p> <p>_____</p> <p>Tammy Hourigan, City Secretary</p>	