

January 22, 2024	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, January 22, 2024 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Harrison Wellman, Councilmembers Tommy Kimbro, Brad Simmons, Chuck Stennett and Thea Sullivan. Staff Present: City Secretary Tammy Hourigan, Police Chief Dan Birbeck, Officer Dustin Hudson, Public works Director Michael Jacoba, and City Attorney Bill Myers. Attorney Dan Branum was absent. 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>		<p><b>No Audio was available for this recorded meeting.</b></p>
Mayor Rogers called the meeting to order at 6:00 P.M.		CALL TO ORDER
Bill Myers		INVOCATION
<p>Veronica Bowman and Melissa both addressed the Council to voice their concerns about there being no rules on who could obtain and complete an application for an elected office. They were addressing the issue that an applicant had applied for consideration for the May 4, 2024 General Election, seeking one of the expired City Council Member seats. The individual was alleged to be a convicted felon. Mayor Rogers thanked the ladies for their concerns and explained to them that anyone could obtain, complete and return an application for a place on the General Election ballot to the City Secretary, as long as it was returned during the allotted time period, it was allowed. Once they are delivered to the City Secretary, each application is certified by the City Secretary and only after that certification will that individual be allowed to have their name placed on the ballot. Mayor Rogers explained to all present that at the current time, there was no one known to be on the ballot, since the applications would be accepted until 5:00 P.M. on February 16, 2024.</p> <p>Arpegea Pagsuberon was also in attendance to address the City Council to make a formal request of an investigation into her complaints of intimidation, sexual harassment, harassment, retaliation and misconduct at the hands of the City Council. She read her formal request to the City Council. These complaints were made at the January 8, 2024 City Council Meeting after an Executive Session that ultimately resulted in the termination of Ms. Pagsuberon due to a no confidence vote by the City Council. A copy of the formal request is made part of these Minutes.</p>		CITIZEN COMMENT PERIOD

<p>Mayor Rogers entertained a Motion to approve the Minutes from the December 11, 2023 Meeting. Mayor Pro-Tem Wellman made said Motion. Councilmember Kimbro seconded. Council voted unanimously to approve the Motion.</p>	<p>CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)</p>
<p>City Attorney Bill Myers Administered the Oath of Office to newly appointed City Council Member Thea Sullivan. Ms. Sullivan then signed the Oath of Office and Statement of Officer. Mayor Rogers welcomed her to Council.</p>	<p>ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COUNCILMEMBER THEA SULLIVAN; SIGN OATH OF OFFICE AND STATEMENT OF OFFICER</p>
<p>Chief Birbeck presented Officer Dustin Hudson with his 5 Year Longevity Award. He stated that Dustin was a tremendous asset to the Olney Police Department. He brings years of experience and expertise. Mayor Rogers congratulated and thanked Officer Hudson.</p>	<p>PRESENT 5 YEAR LONGEVITY AWARD TO DUSTIN HUDSON</p>
<p>City Attorney Myers stated that an acting City Administrator can do certain specific actions that are outlined. Mr. Myers recommended that the City Council name an acting City Administrator to have someone in place being able to complete tasks such as signing needed documents, grants, etc.as to not cause a delay in processing. Mayor Rogers stated that earlier in the process, he had named Chief Birbeck as the point of contact for the department heads to be able to keep informed and up to date and he had filled those shoes. City Attorney Myers stated that this would be a bit more formal without having to submit resolutions and added paperwork. Mayor Rogers entertained a Motion to appoint Rue Rogers as acting City Administrator. Council Member Kimbro made said Motion. Council Member Stennett seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER NAMING AN INTERIM CITY ADMINISTRATOR</p>
<p>City Attorney Myers stated that the City Administrator fits the description in statues to be the Public Information Officer, since the City of Olney does not currently have a City Administrator, City Secretary Tammy Hourigan fits that description until either an Interim City Administrator or a City Administrator is named. Mr. Myers stated that Public Information Request are to be presented to the city, then must be passed onto the City Attorney. Mayor Rogers entertained a Motion to appoint City Secretary Tammy Hourigan as the Public Information Officer to serve until the City Administrator vacancy is filled. Council Member Simmons made said Motion. Council Member Kimbro seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER APPOINTMENT OF PUBLIC INFORMATION OFFICER TO SERVE UNTIL CITY ADMINISTRATOR VACANCY IS FILLED</p>

<p>Chief Birbeck stated that the information had already been reported to the governing body. There was nothing alarming or that stood out in the report. There were zero complaints for the fiscal year. Mayor Rogers entertained a Motion to accept the 2023 Olney Police Department Racial Profiling Report. Council Member Stennett made said Motion. Council Member Simmons seconded. Council voted unanimously to approve the Motion.</p>	<p>HEAR AND ACCEPT 2023 OLNEY POLICE DEPARTMENT RACIAL PROFILING REPORT</p>
<p>Mayor Rogers stated that this was simply a needed update of paperwork until a new City Administrator was named. He stated that Officer Hudson would be the logical choice due to his knowledge and background. Mayor Rogers entertained a Motion to appoint Chief Dan Birbeck and Officer Dustin Hudson as Emergency Management Coordinator and Assistant Emergency Management Coordinator with TDEM. Council Member Simmons made said Motion. Mayor Pro-Tem Wellman seconded. Council voted unanimously to approve the Motion. Mayor Pro-Tem Wellman then confirmed with Chief Birbeck that Jared Cook is the Young County Emergency Management Coordinator.</p>	<p>DISCUSS AND CONSIDER APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR WITH TDEM</p>
<p>Public Works Director Michael Jacoba stated that he would be attending the SWAC Presentation on the following Wednesday. This Resolution was needed to complete the process. This grant program is awarded at 100%, if chosen there are no matching funds required. Mayor Rogers entertained a Motion to approve Resolution R1-24 Authorizing the City of Olney to file with Nortex for a Regional Solid Waste Grants Program Grant and Authorize the Mayor to act on behalf of the City of Olney. Mayor Pro-Tem Wellman made said Motion. Council Member Kimbro seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS, CONSIDER AND ADOPT RESOLUTION R1-24 AUTHORIZING THE CITY OF OLNEY TO FILE WITH NORTEX FOR A REGIONAL SOLID WASTE GRANTS PROGRAM GRANT AND AUTHORIZE THE MAYOR TO ACT ON BEHALF OF THE CITY OF OLNEY</p>
<p>Mayor Rogers confirmed that this Resolution was updating the signatories currently on the accounts, removing Arpegea Pagsuberon, but adding no one else. Mayor Rogers entertained a Motion to approve Resolution R2-24 Changing signatories on the City accounts held at Olney Interbank. Mayor Pro-Tem Wellman made said Motion. Council Member Simmons seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER RESOLUTION R2-24 TO CHANGE SIGNATORIES ON CITY ACCOUNTS HELD AT OLNEY INTERBANK</p>
<p>Mayor Roger explained that this is an annual contract that the City of Olney enters with Young County to conduct our elections. Mayor Rogers entertained a Motion to authorize City Secretary Hourigan to contract with Young County Elections to conduct the May 4, 2024 Municipal General Election. Council Member Stennett made said Motion. Mayor Pro-Tem Wellman seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER AUTHORIZING CITY SECRETARY, TAMMY HOURIGAN TO CONTRACT WITH YOUNG COUNTY ELECTIONS TO CONDUCT THE MAY 4, 2024 MUNICIPAL GENERAL ELECTION</p>
<p>Mayor Rogers entertained a Motion to approve Ordinance O1-24 Ordering the May 4, 2024 General Election. Mayor Pro-Tem</p>	<p>DISCUSS AND CONSIDER ORDINANCE O1-24 ORDERING THE MAY 4, 2024 GENERAL</p>

Wellman made said Motion. Council Member Simmons seconded. Council voted unanimously to approve the Motion.	ELECTION AND SIGN ORDER OF ELECTION
City Secretary Hourigan stated that this was the Second Reading of the Ordinance that had its First Reading in December 2023. The amendments since the First Reading, changing the daily rental fee from \$5.00 to \$7.00 was changed. Waste Connections had amended the contract and the Council had agreed to that back in December 2023. Mayor Rogers entertained a Motion to approve the Second Reading of Ordinance O11-23 Updating Roll-Off Rates. Council Member Stennett made said Motion. Mayor-Pro-Tem Wellman seconded. Council voted unanimously to approve the Motion.	DISCUSS AND CONSIDER ON SECOND READING OF ORDINANCE O11-23 UPDATING ROLL-OFF RATES
Mayor Rogers gave an update of the City Pool construction. He stated that the plan was to have it completed for the upcoming Summer. He stated that a lot of people had worked very hard to raise the money and with that generosity, some large donations and the work of KOB the pool was going to be a realization. He explained that the pool would be located a little differently than the existing one and that once finished, the old pool that was constructed in 1953 would be turned into additional playground area. The pool, concessions stand and area is Phase #3. Once completed, Phase #4 will begin. The purpose of Phase #4 is to be able to install consistent lighting throughout the park.	DISCUSS KEEP OLNEY BEAUTIFUL UPDATE ON CITY POOL AT TOM GRIFFIN PARK
City Council entered Executive Session at 6:52 P.M. City Council came out of Executive Session at 7:35 P.M.	EXECUTIVE SESSION: DISCUSS PENDING OR CONTEMPLATED LITIGATION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE
No action was taken	DISCUSS AND CONSIDER ANY ACTION(S) AS A RESULT OF THE EXECUTIVE SESSION
Officer Hudson stated that demolition for abated structures would begin on January 30, 2024.	DISCUSS OTHER COUNCIL MATTERS-ITEMS OF CONCERN TO MEMBERS OF THE CITY COUNCIL
There being no further business to come before the Council, the Council adjourned at 7:37 P.M.  ATTEST:  _____ Tammy Hourigan, City Secretary	ADJOURNMENT

Arpegea Pagsuberon  
405 North Avenue E  
Olney, Texas 76374  
[apagsuberon@gmail.com](mailto:apagsuberon@gmail.com)  
(940) 235-7250

Monday, January 22, 2024

Rue Rogers - Mayor  
Harrison Wellman - Mayor Pro-Tem  
Brad Simmons - Councilmember  
Tommy Kimbro - Councilmember  
Chuck Stennett - Councilmember  
Thea Sullivan - Councilmember

City of Olney  
201 East Main Street  
Olney, Texas 76374

Subject: Formal Request for Investigation

I am writing to you as an Olney resident to respectfully request an investigation into my complaints of intimidation, sexual harassment, harassment, retaliation and misconduct at the hands of the City Council. This would include any discussion, by person, email, phone or text between Council Members regarding City business, City projects and/or employment status of City employees. My concerns expressed since April 2023 have so far been disregarded.

I am also requesting that Olney Economic Development Corporation (OEDC) Director Tom Parker be placed on Administrative Leave during this investigation. Allowing Mr. Parker to continue in a paid position with the OEDC further puts our public funds in a position of liability to similar claims.

I believe that a thorough and impartial examination of the matter is necessary to ensure transparency, accountability, and fairness.

Issues listed below are just a brief description of topics or issues, however, this is to have on record in the time allowed. Detailed descriptions can be found in my initial complaint letter, below are incidents and dates as a reminder.

**Intimidation:**

Experienced August 17, 2022

Involving Former Mayor Pro-Tern Tom Parker intimidating Interim City Administrator into terminating an employee without proper communication with the City Council.

**Sexual Harassment**

Experienced Sun 1mer 2022

Involving Former Mayor Pro-Tern Tom Parker making inappropriate comments about Chief of Police Dan Birbeck implying an inappropriate relationship with Interim City Administrator Arpegea Pagsuberon.

Experienced October 4, 2022

Involving Former Mayor Pro-Tern Tom Parker & Councilmember Tommy Kimbro making inappropriate comments about City Administrator Arpegea Pagsuberon & a vendor attending the 2022 TML Conference.

Experienced October 4, 2022

Involving Former Mayor Pro-Tern Tom Parker & Councilmember Tommy Kimbro making inappropriate comments about City Secretary Tammy Hourigan and a person she was dating.

Experienced March 2023

Involving Former Mayor Pro-Tern Tom Parker & Councilmember Tommy Kimbro questioning staff about a rumor of an inappropriate relationship between City Administrator Arpegea Pagsuberon and Public Works Director Michael Jacoba without any formal investigation.

### **Harassment**

Experienced August - September 2023

Mayor Pro-Tern Harrison Wellman informed City staff numerous times "I will not read any of the documentation you send until the meeting.", but complained we failed to communicate with City Council.

Experienced November 2023

Mayor Pro-Tern Harrison Wellman implied the City had circumvented the RFP & Sealed Bid process in the past, asking "How did we get away with not following this 7-8 years ago?"

Experienced throughout 2023

Former Mayor Pro-Tern Tom Parker spoke inappropriately of City Clerk Cheyenne Keeter and activities he felt she was involved in while driving around town.

Former Mayor Pro-Tern Tom Parker discussed the marital issues of well-known citizens.

Former Mayor Pro-Tern Tom Parker informed Public Works Director Michael Jacoba he "was not going to give the PD a single cent."

Former Mayor Pro-Tern Tom Parker informed City Secretary Hourigan:

"No one will come to City Hall because they think you are all bitches."

"You're all fixin' to get scrutinized."

"She's got everyone in town all pissed off", speaking of City Administrator Arpegea Pagsuberon.

Former Mayor Pro-Tern Tom Parker urged Mayor Rue Rogers to "deal with Arpegea" regarding a rumored petition that was never brought to City Council.

### **Retaliation**

Experienced October 16, 2023

Involving City of Olney City Council providing City Administrator Arpegea Pagsuberon with an unsatisfactory Annual Review without any previous discussion or clear direction with Ms. Pagsuberon or her direct reports.

Experienced January 8, 2024

Involving City of Olney City Council terminating the employment of City Administrator Arpegea Pagsuberon is believed to be to silence the complaints mentioned above.

**City Council Misconduct**

Experienced from 2021 - 2023

City Council on several occasions, in open meetings, stated that they had discussion regarding City business, whether it be through daisy-chained phone calls, lunch or visiting places of City Councilmember's place of employment. This violated the Open Meeting Act and both Mayor Rue Rogers and Former Mayor Pro-Tern Tom Parker were reminded by City Administrator Arpegea Pagsuberon on several occasions to observe the law. Former Mayor Pro-Tern Tom Parker went so far as to argue that "phone calls did not count".

I am confident that a formal investigation will shed light on the circumstances surrounding the behaviors of the City Council and help identify any potential misconduct, violations, or irregularities. This investigation is crucial in maintaining the integrity of the City of Olney, our community, and upholding the principles of justice.

I kindly request that the investigation be conducted by a neutral third party with no ties to Olney. It is essential that those overseeing the investigation are impartial, objective, and have the necessary expertise to thoroughly examine the matter.

I am willing to cooperate fully with the investigation and provide any additional information or assistance as needed. I believe that a fair and comprehensive inquiry will lead to a resolution that serves the best interests of all parties involved.

I appreciate your prompt attention to this matter and look forward to a conclusion of the investigation. Please inform me of any additional documentation or steps required from my end.

Thank you for your understanding and commitment to ensuring a just resolution to this matter. I trust that the investigation will be conducted with the utmost professionalism and diligence.

Sincerely,

Arpegea Pagsuberon  
Former City Administrator  
Citizen of City of Olney