

February 12, 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, February 12, 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>		
Mayor Rogers called the meeting to order at 6:00 P.M.		CALL TO ORDER
Bill Myers		INVOCATION
<p>Gina Keating was in attendance to ask why the regular scheduled meeting of the O.E.D.C. agenda was not posted at City Hall? She was informed by Johnny Moore that the O.E.D.C. was posting the agenda in the correct place, since it was now going to be posted at their office on Main Street. In the past, it has been posted at City Hall as a convenience, but the by-laws state that the agenda is to be posted at the place of business, so they will be posted there within the required time limit.</p>		CITIZEN COMMENT PERIOD
<p>Mayor Rogers entertained a Motion to approve the Minutes from the November 13, 2023. Mayor Pro-Tem Wellman made said Motion. Council Member Kimbro seconded. Council voted unanimously to approve the Motion</p>		CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING(S)
<p>Mayor Rogers read the resignation letter from Council Member Brad Simmons effective February 5, 2024. His new residence is outside the City Limits. He stated that the resignation needed to be officially accepted. Mayor Rogers entertained a Motion to accept the resignation of Council Member Brad Simmons effective February 5, 2024. Council Member Kimbro made said Motion. Mayor Pro-Tem Parker seconded. Council voted unanimously to approve the Motion.</p>		ACCEPT RESIGNATION OF ELECTED MUNICIPAL OFFICER COUNCILMEMBER BRAD SIMMONS PURSUANT TO SECTION 22.012 OF THE TEXAS LOCAL GOVERNMENT CODE
<p>Mayor Rogers stated that in the seven years he had been on Council, there had never been an appointment to replace a Council Member. The City Charter states that there cannot be more than one appointment within 12 months. Council Member Sullivan had previously been appointed to fill the vacancy of Mayor Pro-Tem Parker after his resignation. Council Member</p>		DISCUSS AND CONSIDER STEPS TO FILL THE COUNCILMEMBER VACANCY

<p>Simmons vacancy will have to be filled with a Special Election. Since the Secretary of State laws have changed, they pre-empt the City Charter. A separate Special Election does not have to be held, but can be held along with the May 4, 2024 General Election. The candidates for the unexpired term will appear under a separate title from the two Council Member spots that are already slated to appear on the ballot. Mayor Rogers stated that City Secretary Hourigan would get the definitive dates for the applications and the process of adding the unexpired term would be covered at the next meeting. No action was taken.</p>	
<p>Mayor Rogers stated that the Planning and Zoning Committee had met at 5:00 P.M. prior to the Council Meeting. He stated that Steve Slater, President of the P&amp;Z Committee had made the recommendation to the City Council to re-zone the stated area currently owned by Stacey Rogers from Residential 3 (R3) to Business 3 (B3). Mr. Slater stated that the Planning and Zoning Committee voted in favor of the re-zoning 4-0. Mayor Rogers stated that the meeting would now enter in to a Public Hearing pertaining to the re-zoning.</p>	<p>DISCUSS AND CONSIDER PLANS FOR THE PLANNING AND ONING COMMITTEE MEETING HELD ON FEBRUARY 12, 2024 AT 5:00 P.M. ABOUT RE-ZONING HWY 79</p>
	<p>PUBLIC HEARING(S)</p>
<p>The Public Hearing opened at 6:12 P.M. Mayor Rogers asked if anyone would like to make a comment. Stacey Rogers asked that the City Council approve what came out of the Planning and Zoning Meeting. He stated that all the adjacent land owners had been notified as required. Mona Bernhardt stated that she felt the current businesses in Olney needed to be considered and would ask that the City Council consider establishing limitations on new businesses coming to town. Carol Vorel stated that it seemed vague what business is planning to be placed in the area. Would there be a trash problem? What type of building would be built? She feels that there are a lot of unknowns to approve as it stands. Gina Keating was in attendance and read an article about large companies using predatory tactics to drive small stores out of business. She stated that she feels this needs to be a consideration of the City Council before they approve the re-zoning. The Public Hearing closed at 6:17 P.M.</p>	<p>A. RE-ZONING REQUEST PARCEL ID#9220-301 HWY 79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS (B3) B. RE-ZONING REQUEST PARCEL ID#9256-305 HWY 79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS 3 (B3) C. RE-ZONING PARCEL ID#9223-307 HWY 79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS 3 (B3)</p>
<p>Mayor Rogers stated that he attended the 5:00 P.M. Planning and Zoning Committee Meeting and that there was a good turn-out. He stated that the Planning and Zoning Committee takes the time to put in the work then they make the recommendation to the City Council as to what they feel is the correct way to move forward. He stated that the Planning and Zoning Committee had voted 4-0 to move forward with the re-zoning. He stated that their opinion is valued by the City Council. Mayor Rogers recommended that the Council accept the recommendation to re-zone the stated properties. They have been vacant and unoccupied since at least 1960 and are essentially “dead property” He stated that it would be beneficial to add value to the community. Kathy Muncy asked</p>	<p>DISCUSS AND CONSIDER REQUEST(S) A. RE-ZONING REQUEST PARCEL ID#9220-301 HWY 79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS 3 (B3) B. RE-ZONING REQUEST PARCEL ID#9256-305 HWY 79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS 3 (B3) C. RE-ZONING REQUEST PARCEL ID#9223-307 HWY</p>

<p>what was coming to town? Mr. Rogers stated that there were no signed contracts and that nothing was definitive. Mr. Rogers stated that at one time there were as many as 13 grocery stores in Olney, Texas. He stated that he felt growth needed to be promoted. This would increase sales taxes and jobs. Mayor Pro-Tem Wellman stated that the goal is to grow the City of Olney. He stated that regrowing the business district to another area of the City of Olney would aid in that goal. Gina Keating inquired as to the expense to tear down a building? Mayor Rogers stated that there was no contract, but currently the stated property does not have any value zoned as residential. No one is going to build there. Re-zoning to business opens opportunities. Cindy Moore inquired as to why it would not be encouraged to use the existing buildings that are vacant to bring new business to town? Council Member Kimbro stated that the City Council does not have a say in the use unless there is an Ordinance violation. Cindy Moore then stated to the room that there seems to be no argument when a new restaurant comes to town and that the City cannot pick and chose the type of business that will be questioned. Kathy Muncy stated that she feels no consideration is being given to the current businesses in Olney. It's all coming too quick and the Council is simply looking at future growth and money with no other considerations. Mayor Rogers then asked for input. Council Member Stennett stated that he felt the Council should go with the Planning and Zoning recommendation. Council Member Sullivan stated that ownership rights should not be restricted. Mayor Pro-Tem Wellman stated that the City Council wants to promote growth and should do what is in the best interest of promoting growth. Council Member Kimbro stated he was in agreement with the Council Members' statements. Mayor Rogers entertained a Motion to accept the recommendation of the Planning and Zoning Committee to re-zone the stated properties from Residential (R3) to Business 3 (B3). Council Member Stennett made said Motion. Mayor Pro-Tem Wellman seconded. Council voted unanimously to approve the Motion.</p>	<p>79 S FROM RESIDENTIAL 3 (R3) TO BUSINESS 3 (B3)</p>
<p>Michael Jacoba stated that the lake had gained a small amount of water but was still at 56%. Mayor Pro-Tem Wellman asked if the lake had collected any run-off. Mr. Jacoba stated that the tanks have deflected the run-off. Lake Cooper fills before Lake Cooper. He stated that there were 43 loads picked up, 39 loads of limbs, 6 street signs replaced, 3 potholes patched. The plant produces 12.008 million gallons of water with 8.883 million used resulting in a discrepancy of 3.125 million gallons. Water use for fires is not reported and is part of the difference. Kenley Lane was present for the Fire Department. He reported that they had responded to 21 calls which included 3 grass fires, 4 automobile accidents, 1 EMS and 3 structure fires. City Secretary presented the Council with the latest Revenue and Expense Report. There were no questions from Council. She stated that the money placed at InterBank and Texas Class was continuing to earn interest at a</p>	<p>MONTHLY DEPARTMENTAL REPORTS</p>

<p>rate of 5.50%. The Revenue Bond at Texas Class earned \$62,311.63 during the month of January. The General Operating Fund earned \$15,951.01 from InterBank. Dan Branum stated that he had talked with Jay Lawson pertaining to the Lake Lot surveys. He stated that Mr. Lawson felt he should have a tentative plat within a couple of weeks and that the project was on track for completion.</p>	
<p>Mayor Rogers stated that a bid in the amount of \$2900.00 had been received for the property listed at 709 South Avenue C, Olney, Texas 76374. By Bretting Texas Ranch. LLC. The bid had met all the requirements. It was the intent of the prospective buyer to construct a garage on the property to house automobiles that they currently own. Mayor Rogers stated that there would be a new construction on the lot that would make it look better. Officer Hudson stated that the lot has been a problem due to the unkept growth. He stated that although it was zoned (R3) there would be no problem with constructing a garage to house personal vehicles if no business was conducted on the premises. Mayor Rogers entertained a Motion to approve the purchase of the property located at 709 South Avenue C, Olney, Texas by the Bretting Texan Ranch, LLC in the amount of \$2,900.00. Council Member Kimbro made said Motion. Mayor Pro-Tem Wellman seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER TAX RESALE BID(S) A. PARCEL ID#77188-709 SOUTH AVENUE C, OLNEY, TX 76374</p>
<p>Mayor Rogers stated that approximately a year ago Tower had the easement approved by Don Matthews. Part of the plan was to water the grass at the ballpark. Mayor Pro-Tem Wellman stated that the rejected water from the Tower Reverse Osmosis System would be used to water the fields. Attorney Branum stated that the delay had been due to obtaining the easements for the school. Mayor Rogers reminded everyone that there would be no cost to the City of Olney. Mayor Rogers entertained a Motion authorizing Olney I.S.D. to run a water line across property owned by the City of Olney from Tower Extrusions to the ballpark. Council Member Stennett made said Motion. Council Member Kimbro seconded. Council voted unanimously to approve the Motion.</p>	<p>DISCUSS AND CONSIDER GIVING OLNEY I.S.D. AUTHORIZATION TO RUN A WATER LINE ACROSS PROPERTY OWNED BY HE CITY OF OLNEY FROM TOWER EXTRUSIONS TO THE BALLPARK</p>
<p>Mayor Rogers stated that he and City Secretary Hourigan had a meeting with LaTisha Turner from Grant Works about the ARPA funds. The funds must be allocated for expenditures by December 31, 2024 and all the funds must be spent by December 31, 2026. The balance remaining is \$321,680.54. Clint Pulliam was in attendance from the Fire Department and stated that the Fire Department was in desperate need of digital radios. He stated that they had experienced problems in communication recently and that it needed to be addressed. He estimated that the entire cost to outfit the Fire Department would be approximately \$105,000.00. Mayor Rogers instructed department heads to look at their "wish lists" from last year and get a meeting scheduled to</p>	<p>DISCUSS AND CONSIDER ARPA FUNDS</p>

be able to firm up the purchases. He reminded them that the money not allocated by the end of the year would have to be returned. No action was taken.	
City Council entered Executive Session at 7:00 P.M. City Council came out of Executive Session at 7:23 P.M.	EXECUTIVE SESSION: DISCUSS UPDATES ON SEARCH FOR NEW CITY ADMINISTRATOR
No action was taken	DISCUSS AND CONSIDER ANY ACTION(S) AS A RESULT OF THE EXECUTIVE SESSION
City Council entered Executive Session at 7:24 P.M. City Council came out of Executive Session at 7:51	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
Mayor Rogers reminded everyone of the Firemen's Banquet being held February 22, 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 7:52 P.M.  ATTEST:  _____ Tammy Hourigan, City Secretary	ADJOURNMENT