

June 14, 2021

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF OLNEY, TEXAS

6:00 P.M.

The City Council of the City of Olney, Texas, met Monday, June 14, 2021 at 6:00 P.M. Those present were: Mayor Rue Rogers, Mayor Pro-Tem Tom Parker, Councilmembers Harrison Wellman, Brad Simmons, Chuck Stennett, and Terri Wipperman. Absent: None. Staff Present: City Administrator Neal Welch, Chief of Police Dan Birbeck, Assistant City Administrator Arpegea Pagsuberon, City Secretary Tammy Hourigan, City Attorney William Myers and 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.

Mayor Rogers called the meeting to order at 6:00 P.M.

CALL TO ORDER

Mayor Rogers gave the invocation.

INVOCATION

There were no citizens present during the Citizen Comment Period.

CITIZEN COMMENT
PERIOD

Mayor Rogers entertained a motion to adopt the minutes from May 24, 2021 as written. Mayor Pro-Tem Parker made said motion and Councilmember Wipperman seconded. Council voted unanimously to approve the minutes.

CONSIDER
APPROVAL OF
MINUTES FROM
PREVIOUS
MEETING(S)

Jan Williams, Brenda Stennett and Susie Wilson were in attendance to visit with the Council about plans to commemorate the 50th Anniversary of the One Arm Dove Hunt. Ms. Williams stated that this was their first step in beginning the process. It had been suggested (with a mock up being shown on the Civic Center) that the "One Arm Dove Hunt established in 1972" could be placed on the outside of the building. Mayor Rogers stated that the event was unique to the City of Olney and warranted commemorating. Mayor Pro-Tem Parker thought it could possibly set a bad precedent placing it on the Civic Center since there had been previous issues with the placement of the Boy Scout Memorial. It had to be placed on land that was not owned by the City of Olney. Mayor Pro-Tem offered a wall on the building that he owns that is on Main Street, located next to the gazebo. Ms. Williams stated that the Civic Center had been their first choice since that had always been the location of the One Arm Dove Hunt festivities. Mayor Rogers stated that all the information would be reviewed by City Attorney Myers. Ms. Williams extended an invitation to all to attend and hear the testimonies of the participants. All ideas and legal issues would be explored before final decisions would be made.

DISCUSS AND
CONSIDER
COMMEMORATING
THE 50TH
ANNIVERSARY OF
THE ONE ARM DOVE
HUNT

The Council was presented with a list of all properties and their respective bids compiled by Texas Communities Group, LLC. Modesta Carranza was in attendance at the meeting because she had placed a bid on the property located at 106 Avenue F, Olney, Texas. She stated that her bid was One Thousand Two Hundred Dollars (\$1,200.00). She had been told there were three (3) bids and that her bid was the highest. She also stated that she was willing to pay Five Thousand Dollars (\$5,000.00) which she said was the listed appraised value (this was not verified). She also stated that the storage building located on the lot was not required for her to purchase the property. She was offering Five Thousand Dollars (\$5,000.00) for the property without the building. Mayor Pro-Tem Parker asked for clarification as to what the bid package stated as a minimum bid. Ms. Carranza had stated that the minimum bid listed by Texas Communities Group, LLC was Twelve Thousand Dollars (\$12,000.00) in her explanation when she meant to say Twelve Hundred Dollars (\$1,200.00). It was established that Twelve Hundred Dollars \$1,200.00 was the minimum bid stated in the bid packages by Texas Communities Group, LLC. Mr. Welch stated that he had sent an email to Texas Communities Group, LLC informing them that the minimum bid for the property located at 106 Avenue F, Olney, Texas would need to be Ten Thousand Dollars (\$10,000.00). The City of Olney is currently using the building located on the property as storage for City property. Mayor Pro-Tem also stated that if the City of Olney had the intentions of retaining the lot for City use it needed to be removed from the list of City properties being placed for bid by Texas Communities Group, LLC. It was the recommendation of Mayor Pro-Tem Parker that the issue be tabled and all legal issues explored and the bid process be "cleaned up" before any rulings were made. It was then stated by

CONSIDER TAX
RESALE BIDS

Mr. Welch that in the previous year a bid of Two Thousand Five Hundred Dollars (\$2,500.00) had been submitted and turned down by Council. Mayor Pro-Tem then stated that if that was not accepted the bid package should not have been issued with the lesser amount of One Thousand Two Hundred Dollars (\$1,200). It was during this portion of the meeting that City Attorney Myers joined the meeting. An overview of the situation was given to him by Mayor Rogers. City Attorney Myers stated that the City made a mistake in the listing of the property and that the City could turn down a bid or bids for any reason. Mayor Pro-Tem asked if anyone had read the package that was now being submitted for bids by Texas Communities Group, LLC and if the City was required to accept those bids. Council Wellman stated that he did not think the City was obligated but did not realize that the Texas Communities Group, LLC was a different entity than the City had previously used. It was stated by Mayor Pro-Tem Parker that the agreement needed to be studied and reviewed to decide what was required to be accepted by the Texas Communities Group, LLC contract and whether they were liable for any issues, the City of Olney was liable and what recourse was available. It was decided that clarification was needed and decisions as to whether the City of Olney had first right of refusal. Ms. Pagsuberon did state that she had a conversation with Texas Communities Group, LLC that they were not to send the bid packages out to any of the other taxing entities before the City of Olney received the bids and accepted them. It had been brought to her attention that this had happened and was not acceptable. She stated to Texas Communities Group, LLC that the City of Olney had the first right of refusal and that if the City of Olney did not agree to the terms of the bid(s) the packages were not to be forwarded to other entities. Mayor Pro-Tem stated that a decision did not need to be made at this point. Councilmember Wellman stated that the bid process needed to be explored. Mayor Rogers thanked Ms. Carranza for her attendance and stated that there would not be a decision made on the property located at 106 Avenue F, Olney, Texas. Mayor Pro-Tem Parker then inquired as to the other property that was of interest to her. After Council discussed other properties and the maintenance costs incurred along with the questions concerning the contract currently held with Texas Communities Group, LLC, it was decided that the consideration of Tax Resale Bids and the acceptance of those bids would be tabled.

Chief Birbeck addressed the Council and stated that in the last eleven months (11) the Police Department Staff had done a lot of work to rid the City of Olney of narcotics. Due to this success he wants to enhance the program by implementing a K-9 Program. Chief Birbeck is aware of problems with a previous program and this K-9 Program would be using a completely different agency, recommending a young dog that is fully vetted and trained. They also work to match the dog and trainer to try and insure the best outcome. Currently the Olney Police Department uses the Graham Police Department's K-9 when needed. This results in time delays that ultimately affect the outcome. Chief Birbeck stated that the total cost to get the K-9 Program operational which would include everything needed is Twenty One Thousand One Hundred Thirty One Dollars (\$21,131.00). He has secured a private donation of Eleven Thousand Dollars (\$11,000.00) but it's the donor's hope that the City of Olney will be willing to cover the remaining amount. Chief Birbeck initially addressed the Council requesting an unbudgeted capital amount of Eleven Thousand Dollars (\$11,000.00). This along with the private donation would cover all costs needed to fund the program. Going forward there would be a Four Thousand Four Hundred (\$4,400.00) annual cost to cover maintaining the dog. After much discussion back and forth and discussing the scheduling of the K-9 and the handling Officer it was determined that the hours that are required by Federal Law to be scheduled for that Officer can be arranged as to not adversely effect the overtime hours billed to the Police Department. Mayor Pro-Tem Parker inquired as to the costs that would be involved if it was later determined to bring on staff a second dog and was told that the costs would be slightly more than the first (the exact amount could be obtained with a phone call) because there was not an Officer on staff that had K-9 Handler Training. The existing Officer that would be involved in the initial K-9 Program has already been certified and would only require a minimum amount of time to be ready. Councilmember Wellman inquired as to whether there would be any additional liability involved if the City of Olney implemented a K-9 Program? City Attorney Myers stated that there should be no more liability than with any other Police Officer. Mayor Rogers stated that he had visited with Chief Birbeck prior and that he thought the K-9 Program was definitely a positive move for the City of Olney. It was mentioned by Mayor Pro-Tem Parker that there was approximately Sixty Thousand Dollars (\$60,000.00) budgeted for new automobiles for the Police Department that possibly would not be delivered prior to the end of the Budget Year.

DISCUSS AND
CONSIDER NEW K-9
PROGRAM AND
SOURCE OF
FUNDING

There was much discussion about the Police Department's Budget and it was determined that there were certain line items that were in fact less than budgeted for the Budget Year or money that had not been spent. It was determined that there did not need to be a request submitted. The Police Department already had the funds in the Budget and that there might possibly be an amendment needed to reallocate funds, then visit the ongoing expenses for the upcoming new Budget.

Mr. Welch stated that currently we have no set rates for the costs associated with Water and Sewer Tap installations. There has recently been a customer that the costs incurred was Three Thousand Five Hundred Dollars (\$3,500.00) and the individual paid the amount but the City of Olney has no minimum amounts in place. Mayor Pro-Tem Parker stated that these costs would be for new taps and relocations not existing ones. He also stated that the City of Olney had, in the past used Brazos to perform any work that required boring under pavement. Brazos is no longer performing those duties due to the liability, so that, if needed would have to be contracted and be an additional cost. These items had been discussed in a previous Water Board Meeting and due to upcoming costs that would be associated with the expense of building a new Water Treatment Plant it was felt that a survey was needed to determine what other cities were charging for new Water and Sewer Tap installations. It was stated that currently the City of Olney is charging the cost to the City of Olney for installation and that there is no formal arrangement in place to insure recouping that cost. Councilmember Wellman inquired as to how many empty lots in the City of Olney would be affected by this and was informed most likely none. This would pertain to Water and Sewer Taps being installed outside the City Limits or relocations of taps. There is not a large number of taps installed annually. Mr. Welch stated an average of six (6). Ms. Pagsuberon brought it to the attention of the Council that since there was a dollar amount of One Thousand Two Hundred Dollars (\$1,200.00) being discussed, a new Ordinance would have to be written. It was discussed that a committee would be formed. Mayor Pro-Tem volunteered to be on the committee along with Councilmember Simmons.

DISCUSS AND
CONSIDER WATER
TAP RATES

The property located at 507 West Main was placed on the agenda prior to this meeting, but Council was not sure if the zoning requirements were being met so the decision was tabled until the survey could be studied to make sure it met all requirement. It was determined that there were, in fact five (5) feet between the existing structure and the property line. Councilmember Wellman was not on the Council when this was last presented and Mayor Rogers explained the circumstances and why the property had been in question. Mayor Rogers entertained a Motion to subdivide 507 West Main Street, Olney, Texas. Mayor Pro-Tem Parker made said Motion and Councilmember Stennett seconded. Council voted unanimously to approve the Motion. City Attorney Myers then brought it to the Mayor and Council's attention that the action taken on the property needed to be filed in the Official Public Records or the Plat Record to become final. Mayor Rogers entertained an Amended Motion stating that the owner would file the paperwork with the Official Public Records or Plat Records. Mayor Pro-Tem Parker made said Motion and Councilmember Stennett seconded. Council voted unanimously to approve the Motion.

CONSIDER REQUEST
TO SUBDIVIDE 507
WEST MAIN STREET

Mayor Rogers read aloud the executing section of Ray Perkins' will which grant \$100,000 to the City of Olney to be held in trust for specific use. The passage as read is below: "I further direct that the above two named beneficiaries, the Olney Community Library and Arts Center and the Tommy Perkins Memorial Park, shall use the funds herein bequeathed to fund and establish a permanent endowment fund, and that income only from such endowment fund, to the extent hereinafter set out, may be used for the following purposes: The Olney Community Library and Arts Center and the Tommy Perkins Memorial Park may each use seventy-five percent (75%) of the income from the endowment fund established by it for the purpose of operation, maintenance and additions of their respective organizations, and the balance of twenty-five percent (25%) shall be placed in their permanent endowment fund and become a part thereof."

BIANNUAL JUNE
READING OF RAY
PERKINS WILL

Ms. Hourigan and Ms. Pagsuberon presented Council with reports that showed a listing of accounts that were closed in the past, some as far back as 2017, that had not been closed properly and have continued to accrue minimum usage fees. Some of these customers were brought to the attention when Utility bills were printed in May. There was a higher amount of bills produced. The two previous clerks were no longer employed and were not available for inquiries. After investigating it was found that some of these customers most likely never received a final bill, some accounts

DISCUSS AND
CONSIDER
OUTSTANDING
ACCOUNT
BALANCES

were paid in full but continued to receive the minimum charge, some are deceased. This was an update as to the status of inactive accounts that had been located previously. More investigation will take place and those accounts that can be turned over for collection will be processed. There will be a definitive number of accounts and a firm amount presented to Council in the near future.

Ms. Hourigan gave the monthly financial report. Chief Birbeck gave a report on the police department.

MONTHLY
DEPARTMENTAL
REPORTS

There was no First Draft presented. Instead there was a discussion as to what measures could be taken and processes that needed to be completed to have firm numbers. Ms. Pagsuberon explained the process in the past that had resulted in double postings and that ASYST had been working with City Hall employees to find and correct the problems. Mayor Pro-Tem Parker spoke to Council and informed them that he felt the system had been corrupted at some point. A phone meeting was scheduled for the following day between Ms. Pagsuberon, Ms. Hourigan and Mayor Pro-Tem Parker to try and address the concerns and find options to correct the situation that would be beneficial to all. Councilmember Wellman inquired as to what was going to be done concerning the large balance(s) that are carried in some of the City of Olney accounts? Ms. Hourigan stated that the Bank had visited with them about other products that were currently available. The auditor has been asked for his opinion and he was able to give more information. Those balances along with other matters will be discussed and addressed when the audit report is received and reviewed by Council. Mayor Pro-Tem Parker brought up the issue that there was a need for the forming of a Finance Committee. This would be made up of individuals from the City of Olney with a financial background, Councilmember(s), different individuals who are knowledgeable in the field. Mayor Rogers agreed that a Financial Committee was needed, not only for large City expenditures but for planning the Budget. It was suggested by Mayor Pro-Tem Parker that possibly the newspaper could get the word out that the City of Olney was planning on forming a Finance Committee, suggestions would be entertained and interviews performed for members. Council was in agreement that the forming of a Finance Committee is needed. No Action was taken at this time.

RECEIVE FIRST
DRAFT OF 2020-2021
FISCAL
APPROPRIATIONS
BUDGET

Mayor Pro-Tem Parker inquired as to where the City of Olney was on the trash collection issue. Were poly-carts going to be used, dumpsters, what was being negotiated? Mr. Welch stated that currently Waste Connections was wanting to continue as is and re-negotiate the contract when it comes up for renewal in February 2022. There had been a previous discussion that was between the Waste Connections Manager that recently left his position and Mr. Welch. The corporate offices of Waste Connections were not interested in accepting that agreement. The discussion will continue and various solutions explored.

DISCUSS OTHER
COUNCIL MATTERS-
ITEMS OF CONCERN
TO MEMBERS OF
THE CITY COUNCIL

Mayor Rogers suggested that there be a social, possibly at Dairy Queen mid to end July for residents of Olney to meet Chief Birbeck. He stated that it could even be a larger event and involve the entire Police Department. Mayor Rogers wanted to make sure that the event takes place.

Chief Birbeck mentioned that he would like to form a Chief Advisory Council. This would be made up of individuals that he could use to brainstorm and bring ideas to the table that could enhance the program. They would assist with internal affairs matters. Examining facts after completion of investigations but before any actions is taken. It would allow for an objective opinion and build legitimacy in the community. Chief Birbeck will research other communities to decide how many individuals on the Chief Advisory Council, but most likely no more than three (3) to four (4).

There being no further business to come before the Council, the Council adjourned ADJOURNMENT by consent at 8:20 P.M.

ATTEST:

City Secretary

