

## **MINUTES OF AUGUST 12, 2024, REGULAR MEETING**

On this, the 12<sup>th</sup> day of August 2024, beginning at 6:00 p.m., the City Council convened in regular session in the City Council Room. The meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 51 of the Government Code with the following being present and in attendance to wit:

Mayor Joe Davis, Council Members Ed Bailey, David Gilbert, Melisa McIntosh, C.W. Ivey, Leslie Ivy, Lloyd Roberts, and Woody Richardson. Employees present were City Secretary Cindy Woodard, Public Works Director Junior Casas, Administrative Assistant Amalia Gaxiola, Librarian Jacquelyn Owens, and Fireman Nick Narvaez. Others present were Kim Cloyd, Roger Estlack, Karen Proctor, Carrie Friedrich, Melissa Foard, and Brent Sherrod.

Absent: Council Member Ray Dickson

### **CALL TO ORDER AND INVOCATION**

Mayor Davis called the regular meeting to order and noted a quorum present. He welcomed all in attendance and asked Alderman Richardson to voice the invocation. Mayor Davis asked Alderwoman Ivy to lead the Pledge of Allegiance. The following items were presented.

### **PUBLIC COMMENT**

Jacquelyn Owens thanked everyone for their support during her hospital stay and through the death of her mother.

### **APPROVE CONSENT AGENDA ITEMS**

The consent agenda items were presented for approval: the regular meeting minutes from July 8, 2024, special meeting minutes from July 22<sup>nd</sup> and July 29, 2024, accept collections and pay expenditures for July 2024. Alderman Roberts moved to approve the consent agenda items, seconded by Alderman Gilbert. The vote was unanimous in favor.

### **PRESENTATION ON INVESTEMENT OPTIONS FROM TEXAS CLASS**

Karen Proctor and Carrie Friedrich presented the benefits of Local Government Investment Pool options with Texas Class. Karen Proctor stated no stock market involved, triple AM rated fund, no minimum balance, no minimum deposit, UM Bank holds the money in a depository, daily liquidity, compound and pay daily, no risk of losing money, no transaction fees, current daily rate of 5.44, and 9 ½ basis point fee with no additional charges. Texas Class also offers free Public Funds Investment classes and training.

### **DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES**

Public Works Director Junior Casas reported they have been working on a lot of leaks. 9<sup>th</sup> street pothole by Austin Elementary was fixed as well as over by the High School. Casas reported the

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Donut shop had to cut into 12<sup>th</sup> street to fix their sewer line and they will pay for the asphalt replacement. Well 28 was briefly down and is back up so now all 5 wells are up and running. Casas reported sewer pumps have had issues which have been worked on by Spot On out of Amarillo. Cold mix to repair potholes has come in. Mayor Davis asked what the end of summer plan of action will be and Casas stated they will be working on alleys, tree trimming, and repairing trash cans. Alderwoman Ivy asked about warped tables at the park and mentioned looking into using Treks material.

Librarian Jacquelyn Owens updated that she has been working while gone to make sure book orders are still coming in. Kay took donated books not needed in the library to Good Will. Jackie stated she has started back working on Saturdays. In the future, Jackie will have an appointment in October and will more than likely have surgery and will need to take some time off. Can offer hours to Jill Wakefield as part time if needed to help Kay McCarty out while she is out after surgery. The library also offers help to the community with Medicare applications which are coming up. Historical Society has been meeting at the library. Jackie reported the summer reading program had 8 kids, and the school did not participate this year.

Municipal Judge Aleman was absent. Mayor Davis presented his written report.

Fireman Nick Narvaez presented his written report. They are starting to get fires due to hot dry weather. All equipment is working. Alderman Roberts asked about the plane crash. Narvaez stated it was a guy passing through with a personal plane that lost oil pressure and could not get to an airport so he landed in a pasture and walked away with a scratch. Alderman Roberts still looking into IFR for our Memphis Airport that can help with emergencies as well.

City Secretary Cindy Woodard stated that all her items are on the agenda.

Police Chief Rex Plant was absent. Mayor Davis presented his written report.

## **NEW BUSINESS**

### **CONSIDER TERMINATION OF COLLECTION AGREEMENT BETWEEN CITY OF MEMPHIS, TEXAS, AND AMERICAN MUNICIPAL SERVICES CORPORATION, AND AUTHORIZE THE CITY ATTORNEY TO SEND A NOTICE OF TERMINATION**

City Secretary Woodard presented the email correspondence between the Municipal Judge David Aleman and City Attorney Bryan Guymon and introduced Brent Sherrod with Perdue Brandon Fielder Collins & Mott LLP to present their collection process. Brent Sherrod shared that he is respectful of how Judge Aleman runs his office. He would like to help terminate the agreement with AMS through a 30-day notice letter with the proper terminology that would need to go on City letterhead. They operate just like AMS and pass the collection fee onto the customer. Woodard added that she would like to have them also take on the water collections. Alderwoman Ivy made the motion to terminate agreement with AMS, seconded by Alderman Gilbert. The vote was unanimous in favor.

### **CONSIDER REQUEST FOR BLOCKING OFF STREETS DURING HALL COUNTY PICNIC ACTIVITIES – MELISSA FOARD**

Melissa Foard presented the request from the Hall County Picnic Association that street be

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blocked off like the past. She asked if the city could bring extra dumpsters, picnic tables, and to keep 6<sup>th</sup> street blocked off all day. Alderman Gilbert made a motion to approve the street closures as needed, seconded by Alderman Roberts. The vote was unanimous in favor.

**CONSIDER REQUEST FOR ASSISTANCE FROM HOTEL OCCUPANCY TAXES TO HALL COUNTY PICNIC ASSOCIATION FOR HALL COUNTY PICNIC ACTIVITIES – MELISSA FOARD**

Melissa Foard presented a written report of the amount of funds being requested from the Hotel Occupancy Tax Fund. She stated they do get donations from Utilities for the band, which is from Childress this year. Alderman Roberts questioned if those funds come back to the City. Melissa stated the funds raised will go towards the Hall County Picnic Association where scholarships are given to two high school seniors. Alderwoman Ivy asked for current balance and Mayor Davis asked what was given the previous year. City Secretary Woodard stated the previous year they were given \$3,500 and the available balance left to give is \$753. Alderwoman McIntosh made a motion to approve \$753 to the Hall County Picnic Association, seconded by Alderman Ivey. The vote was unanimous in favor.

**CONSIDER REQUEST FOR ASSISTANCE FROM HOTEL OCCUPANCY TAX FOR FALL WELCOME GUIDE – ROGER ESLACK**

Roger Eslack stated they have received a good response on the first Welcome Guide which was distributed to local businesses, hotels, 20 travel centers, put in The Red River Sun for a week, and distributed in Turkey. Eslack is requesting up to \$2,000 from the upcoming fiscal year to help cover the cost of distributing the fall guide. Alderman Bailey made a motion to do the Guide allowing up to \$2,000 from the Hotel Occupancy Tax Fund, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

**CONSIDER UPDATE TO CITY INVESTMENT POLICY**

City Secretary Woodard sent out the current investment policy. She stated the City needs to update our policy to include investing in pools. Texas Class provided a sample policy as well. Alderman Gilbert moved to approve an update to the verbiage on the City Investment Policy to allow pools, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

**CONSIDER HIRING GOVERNMENT CAPITAL SECURITIES CORPORATION AS THE CITY'S MUNICIPAL ADVISOR FOR WATER LINE RELOCATION PROJECT**

City Secretary Woodard stated there's a \$64,000 check to pay Parkhill on the Noel Street water line project which has used the amount of water security deposit funds available to borrow against. The city cannot issue debt unless it is repaid in the current fiscal year, so obtaining a line of credit from the bank will not work in this situation. They are only 30% complete on plans and it could be late next year before the project is completed. Government Capital is offering a limited tax note for 1.25 million at a 5-year repayment term. Interest can be made by investing in

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the Texas Class Investment pool which can pay for the interest on the note. Since the water line project is reimbursable by TxDOT, the city would not need to borrow the estimated project amount of \$2.5 million. Alderman Ivey made the motion to proceed with Government Capital Securities for a \$1.25 million-dollar limited tax note at a 5-year repayment term, seconded by Alderman Gilbert. The vote was unanimous in favor.

## **CONSIDER ACCEPTING BID FOR 2008 FORD ANIMAL CONTROL VEHICLE**

City Secretary Woodard stated the city received 5 bids. Mayor Davis opened the following 5 bids – \$511 from Floyd Taylor, \$1,500 from Juan Pineda, \$750 from Billy Franklin, \$850 from Melissa Saenz, and \$500 from Lupe Zuniga. Alderman Bailey made the motion to accept the \$1,500 bid from Juan Pineda for the 2008 Ford Animal Control vehicle, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

## **CONSIDER ACCEPTING BIDS FOR FUEL SERVICES FOR 2024/2025 FISCAL YEAR**

City Secretary Woodard presented a point they touched on in Public Funds Investment about competitive bidding on services over \$50,000. Our current fuel budget is over \$100,000. To be legal, the City needs to advertise for bids. Bids will be sent to the fuel stations in Memphis and will be advertised in the newspaper. The fuel services will need to be able to deliver bulk off-road diesel as well as furnish fuel tanks. A-1 Fuel of Memphis owns the fuel tanks the city has. The city has the option to accept the lowest bidder but also accept the most responsible bidder. Alderman Ivey made a motion to accept bids for fuel services for 2024/2025 fiscal year, seconded by Alderwoman Ivy. The vote was unanimous in favor.

## **CONSIDER RESOLUTION 8-12-24 AUTHORIZING THE APPLICATION FOR GRANT ASSISTANCE THROUGH USDA COMMUNITY FACILITIES LOAN AND GRANT PROGRAM AND DESIGNATING A SIGNATORY AGENT OF THE APPLICANT**

City Secretary Woodard reported that Kena Burson with USDA Rural Development reached out to her about available grant funds and what the City may need help with. Woodard stated they qualify for a 50/50 match grant for purchase of equipment. Since the water department truck had been cut from the budget, the city has the opportunity to purchase one with the match portion taken out of the sanitation truck fund as discussed in the budget workshops. The application has been filed and passing the resolution is the next step. Once the city is approved, we would pay for the truck and then get reimbursed the grant portion. Alderman Gilbert made the motion to proceed with Resolution 8-12-24 authorizing the application for grant assistance through USDA Community Facilities Loan and Grant Program and designating a signatory agent of the applicant, seconded by Alderman Roberts. The vote was unanimous in favor. A copy of the resolution follows these minutes.

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**CONSIDER MAYOR APPOINTMENTS TO MEMPHIS HOUSING AUTHORITY BOARD**

A recommendation list was presented. Josh Talley requested Jill Cromwell to fill in the late Orvilla Evans spot which will expire in 2026. Alderman Gilbert made a motion to approve the Mayor appointments to the Memphis Housing Authority Board, seconded by Alderwoman Ivy. The vote was six in favor. Alderwoman McIntosh abstained. The motion carried.

**DISCUSS TAKE HOME VEHICLES**

Mayor Davis opened the floor for discussion. Alderman Ivey informed that take home vehicles could be considered a taxable benefit. Public Works Director Casas' concern is response time when there is a water leak. Alderwoman Ivy asked about the current policy. City Secretary Woodard informed the policy says a take home vehicle is for city use only and are provided to the employee for the City's benefit. Mayor Davis stated David Morris and Roy Henderson would be the only ones to not eligible for a take-home vehicle. No action was taken.

**CONSIDER CHANGING NON-DEPARTMENT HEAD EMPLOYEES FROM SALARY TO HOURLY PAY**

Alderwoman Ivy addressed that if we are required to pay overtime if they are below a threshold why not pay hourly. City Secretary Woodard stated that the salary threshold is going up on January 1, 2025, and only one employee is exempt from overtime. Public Works Director Casas asked why the need for change. Alderwoman Ivy stated it is for purposes of logging hours when it comes to paying for overtime and she asked how overtime is logged. Woodard showed Alderwoman Ivy the City timesheets and explained how payroll is processed. Alderman Gilbert made a motion to table and address later, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

**CONSIDER APPROVING AND FILING THE PROPOSED 2024/2025 CITY BUDGET WITH CITY SECRETARY**

City Secretary Woodard reported with the updated changes from the last budget workshop, the surplus for the proposed budget would be \$2,259. Alderwoman Ivy reported that she spoke and confirmed with Janet Bridges that Memphis is the only town in Hall County that helps with Hall County Dispatch Services. Council members' concerns are the other Cities need to contribute as well. Woodard reported that the Economic Development Corporation Board agreed to help with \$50,000 towards the Airport grant being in their proposed budget. It was also discussed whether the Municipal Judge should be a paid employee or paid contractor. Alderman Gilbert made a motion to approve and file the proposed 2024/2025 city budget with the City Secretary as presented, seconded by Alderman Bailey. The vote was unanimous in favor.

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**SCHEDULE PUBLIC HEARING ON THE PROPOSED 2024/2025 CITY BUDGET AND PROPOSED TAX RATE**

City Secretary Woodard reported the budget must be on file for 30 days before being adopted and setting the tax rate. She suggested possibly changing the September meeting to allow for the 30 days. Alderman Roberts voiced concern about not being able to schedule your public hearing on the proposed budget and proposed tax rate and your regular council meeting on the same day. Alderman Bailey made the motion to schedule the Public Hearing on the proposed 2024/2025 city budget and proposed tax rate for September 12, 2024, at 6:00 p.m., seconded by Alderman Gilbert. The vote was unanimous in favor.

**CONSIDER CHANGING DATE FOR SEPTEMBER REGULAR COUNCIL MEETING**

City Secretary Woodard stated since new information was brought forth and you cannot hold the public hearing on the same day, then there is no reason to change the regular council meeting for September. No action was taken.

**MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST**

Alderman Gilbert talked with Public Works Director Casas about cold mix. Alderwoman Ivy thankful budget is almost over and questioned possible water collection percentage we could receive. Alderman Bailey thanked City Secretary Woodard for everything done with the budget and everyone else for their work. Alderman Richardson thanked City Secretary Woodard and can't do without her. Alderman Roberts gave brief report on what he learned in Round Rock. Alderwoman McIntosh stated how the city should be more transparent whether people are interested or not and maybe live stream meetings. Alderman Ivey thanked all city employees for everything they've done and commended the extra work City Secretary Woodard has done. Mayor Davis stated it takes a lot to keep going for all employees and continue to work on things needed.

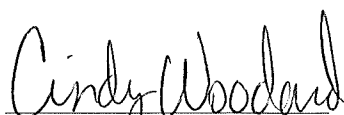
**ADJOURN**

Alderman Bailey moved to adjourn the meeting, seconded by Alderman Roberts. The vote was unanimous in favor. The meeting was adjourned at 8:50 p.m.

Approved:

  
Joe Davis, Mayor

Attest:

  
Cindy Woodard, City Secretary

## GRANT RESOLUTION 8-12-2024

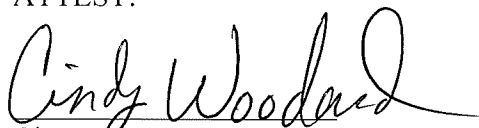
WHEREAS, the City of Memphis, Texas, deems it necessary and proper to apply for grant assistance under the Rules and Regulations of Rural Housing Service, a Department of the United States Department of Agriculture.

NOW, THEREFORE, BE IT PROVIDED by the above-named Applicant that City Secretary for City of Memphis, Texas, as the Signatory Agent of the Applicant, is hereby authorized and directed to make application for grant assistance under the Rules and Regulations of Rural Housing Service, a Department of the United States Department of Agriculture; and to sign the acceptance of the grant agreement, when made, and any other documents required to complete the project, on behalf of the above-named Applicant.

PASSED, APPROVED, AND ADOPTED this 12 day of August, 2024.

Mayor 

ATTEST:

  
City Secretary