

MINUTES OF MAY 13, 2024, REGULAR MEETING

On this, the 13th day of May 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, C.W. Ivey, Leslie Ivy, Melisa McIntosh, Lloyd Roberts and Woody Richardson. Employees present were City Secretary Cindy Woodard, Police Chief Rex Plant, Municipal Court Judge David Aleman and Librarian Jackie Owens. Others present were Anita Rodriguez, Kim Cloyd, Brent & Dana Baucom, Jill Cromwell, Chris Amend, Mark Sweatt, Evva Jamison Roberts and Mollie Moffitt.

Absent: 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 Lloyd Roberts to voice the invocation. The following items were presented.

CANVASS VOTES FROM THE MAY 4, 2024, CITY OFFICERS ELECTION

Mayor Davis read the results for the May 4, 2024, election and declared the following duly elected: Alderman Ward 1 Woody Richardson, Alderman Ward 2 Llyod Roberts, Alderman Ward 3 David Gilbert, and Alderman Ward 4 Ray Dickson. Alderman C.W. Ivey was unopposed in the Special one-year term in Ward 1. Elected officials were presented with a certificate of election. A copy of the election results follows these minutes.

OATH OF OFFICE FOR ELECTED OFFICIALS

City Secretary Woodard administered the statement of elected officers and oath of office to the elected officials present.

PUBLIC COMMENT

Mark Sweatt voiced his concern regarding the termination of the Sportsman Club lease and that it basically shut down the gun range. Mayor Davis explained they had to terminate the lease to create a new one. The new lease would be discussed under old business on the agenda.

APPROVE CONSENT AGENDA ITEMS

The consent agenda items were presented for approval: the regular meeting minutes from April 8, 2024, accept collections and pay expenditures for April 2024. Alderman Bailey moved to approve the consent agenda items, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONTINUATION OF MINUTES MAY 13, 2024

DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES

Librarian Jackie Owens reported the annual report to the State is complete, which shows we are a recognized library. The summer reading program will begin in June on each Tuesday and Thursday morning. She recently had a vendor that wasn't mailing invoices anymore so they are having to print them off online.

Municipal Court Judge David Aleman presented his written report and explained how he has broken down the amounts retained by the city. He reported he is still pursuing changing over to Perdue for collections of unpaid fines. The confidentiality policy for his office has been put in place and he gave each member a copy.

Fireman Nick Narvaez was absent and his written report was presented.

Police Chief Rex Plant presented his written report. Traffic stops were down due to a large case they have been working on that involved several agencies across two states. He thanked everyone that participated in the customer appreciation day and had a good turnout for the vaccine clinic. He reported he is trying to work with the Chamber to host a night in the park maybe once a month and have food trucks and music or maybe a movie night.

City Secretary Woodard reported Junior could not attend but wanted them to know he had finished the fence around the dumpsters on Berry Ave. She reviewed the revenue & expenditure report and cautioned department heads to watch their budgets.

OLD BUSINESS

MOTION TO REMOVE TABLED ITEM FROM THE TABLE

Alderman Bailey moved to remove the tabled item from the table, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER NEW LEASE AGREEMENT WITH ROLLING PLAINS SPORTSMAN CLUB

Mayor Davis reported the current lease with the Sportsman Club has been terminated and a draft of the new lease was presented. Alderman Roberts moved to allow the Rolling Plains Sportsman Club to continue to operate until they get the new lease in place, seconded by Alderman Gilbert. The motion was unanimous in favor. Alderwoman Ivy moved to make the terms of the new lease for 20 years at \$1.00 per year, seconded by Alderman Roberts. The vote was unanimous in favor.

CONSIDER PROPOSAL FOR MEMPHIS POLICE DEPARTMENT VEHICLE STORAGE FACILITY

The proposal for the vehicle storage facility was presented. The estimate for annual insurance coverage is \$3,346.00. Alderwoman McIntosh moved to approve the proposal for the Memphis Police Department Vehicle Storage Facility as presented, seconded by Alderman Gilbert. The vote was unanimous in favor.

CONTINUATION OF MINUTES MAY 13, 2024

CONSIDER ORDINANCE 694 ADOPTING THE UPDATED ANIMAL CONTROL FEES

Ordinance 694 was presented. Alderman Bailey moved to adopt Ordinance 694 updating the animal control fees, seconded by Alderwoman Ivy. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

NEW BUSINESS

ELECT MAYOR PRO TEM

City Secretary Woodard reported Alderman Bailey currently serves as Mayor Pro Tem. Alderman Gilbert moved to nominate Ed Bailey as Mayor Pro Tem, seconded by Alderman Ivey. The vote was unanimous in favor.

CONSIDER REQUEST FOR ASSISTANCE FROM HOTEL OCCUPANCY TAXES TO HERITAGE HALL FOR SUMMER EMPLOYEE – MOLLIE MOFFITT

Mollie Moffitt presented a \$2,000 request from the hotel occupancy taxes for the Hall County Heritage Hall to assist with hiring a part time summer employee. They plan to have the museum open 3 afternoons a week and one Saturday a month. Alderman Roberts moved to approve the request for \$2,000 from the hotel occupancy taxes to the Hall County Heritage Hall, seconded by Alderman Ivey. The vote was unanimous in favor.

CONSIDER ORDINANCE 695 AMENDING CHAPTER 10, ARTICLE 10.02 PARK CODE

Ordinance 695 amending the Park Code was presented. Alderwoman Ivy moved to approve Ordinance 695 amending Chapter 10, Article 10.02 of the Park Code, seconded by Alderwoman McIntosh. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

CONSIDER PROPOSED AMENDMENT TO CITY CODE CHAPTER 11 TRAFFIC AND VEHICLES

Police Chief Plant presented the proposed amendment to the city code and explained the city needed to adopt the traffic codes. Alderman Roberts moved to approve the amendment as presented, seconded by Alderman Gilbert. The vote was unanimous in favor.

CONSIDER APPROVING THE PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION TO BRENT & DANA BAUCOM DBA THE CORNER COFFEE AND GIFTS

City Secretary Woodard reported the Memphis Economic Development Corporation approved for Brent & Dana Baucom dba The Corner Coffee & Gifts to assume the loan on Morgan Jaynes

CONTINUATION OF MINUTES MAY 13, 2024

at the current terms and add a \$38,000 loan at 7.5 % interest rate for seven years. The building, inventory and equipment will be collateral plus a personal guarantee from the Baucoms. The current terms of the Morgan Jayne's loan are a balance of \$91,401.72 at 4% interest, with 137 monthly payments of \$832.15 remaining. The \$38,000 loan will be used to assist with the construction of a drive-thru window, electrical, plumbing, cleanup of structure and property, coffee equipment, Texas State required fees and inventory to establish the store. Alderwoman Ivy moved to approve the project of the Memphis Economic Development Corporation to Brent & Dana Baucom dba The Corner Coffee and Gifts, seconded by Alderman Bailey. The vote was unanimous in favor.

REVIEW EMPLOYMENT PRACTICE FOR HIRING NEW EMPLOYEES

Alderwoman Ivy voiced her concerns about employment positions not being posted. The policy says they should be advertised, and she wants to make sure the city is following the procedure. No action was taken.

RATIFY HIRING PART-TIME LIFEGUARDS

A list of the lifeguards for the 2024 pool season was presented. Kara Willingham and Daze Kostameyer are returning from last year. New hires include Dillion Guy, Jordan Altman and Coby Atilano. Alderman Gilbert moved to ratify hiring the part-time lifeguards as presented, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER PROCEDURE FOR ADDRESSING CITIZEN COMPLAINTS

Alderwoman Ivy presented a form with a proposed procedure of written records when a citizen calls in with a complaint. The complaint would then be passed along to the department head and the council can review to see that the issue has been resolved. Alderwoman Ivy moved to proceed with starting a paper trail with a master list of in person and telephone reports of issues passed along to the department heads, seconded by Alderman Roberts. The vote was unanimous in favor.

CONSIDER APPROVAL OF REPAIRS FOR FIRE DEPARTMENT BRUSH TRUCK

City Secretary Woodard reported Fireman Narvaez had received a quote to repair one of the brush trucks. The engine has a bad injector which will cost \$2,200 to fix or \$5,500 to replace all six. It is recommended to replace all six since the engine will be taken apart. Alderwoman McIntosh moved to approve the repairs for all six injectors at \$5,500, seconded by Alderman Gilbert. The vote was unanimous in favor.

CONSIDER APPROVAL OF ROOF REPAIRS TO ANIMAL SHELTER

City Secretary Woodard reported they have received a quote from Weatherly Roofing to repair the roof at the animal shelter. The problem is there are no lap screws on the top layer and the

CONTINUATION OF MINUTES MAY 13, 2024

water is leaking in. The estimate for repairs is \$1,850. Alderwoman McIntosh moved to approve the roof repairs to the animal shelter, seconded by Alderman Richardson. The vote was unanimous in favor.

CONSIDER DEBIT/CREDIT CARD FOR ONLINE PURCHASES

City Secretary Woodard reported city employees currently use their own credit cards to make online purchases of items that cannot be bought locally. She is requesting a debit card for the city with a credit limit on purchases. Alderwoman Ivy moved to approve a debit card with a \$1,000 limit, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER SALE OF OLD LAUNDRY MAT PROPERTY ON BRADFORD

City Secretary Woodard reported the property where the old laundry mat was located has been cleaned up and the city has no use for it. Alderman Bailey moved to approve the sale of the property on Bradford with a \$500.00 minimum bid. Alderman Richardson seconded the motion. No vote was taken, therefore Alderman Bailey moved approve the sale of the property and remove the \$500.00 minimum bid and change it to \$1,000.00, seconded by Alderman Richardson. The vote was unanimous in favor.

DISCUSS ACTION FOR FENCE REMOVAL ON LEE STREET ALLEY

It was discussed that the fence across the alley on Lee Street has not been removed. A letter was sent to Mr. Steptoe to remove the fence. Mr. Steptoe has contacted the city attorney stating this is not an alley and the city has no authority to remove the fence. It was suggested the property be designated as a right of way and have Mr. Steptoe make the fence into a gate for access. Chief Plant said he could contact Steptoe and discuss this with him. Alderwoman McIntosh moved to table the issue, seconded by Alderman Gilbert. The vote was unanimous in favor.

DISCUSS FEES AND REQUIREMENTS FOR FOOD TRUCK VENDORS

City Secretary Woodard reported on the fees and requirements for food truck vendors and explained what other cities charge. It was suggested to review the fees during the budget process this year. No action was taken.

RESCHEDULE PUBLIC HEARING FOR SUBSTANDARD BUILDING COMMITTEE

City Secretary Woodard reported the department heads involved had a phone conference with the city attorney regarding the forms and procedure to proceed on substandard buildings. It is recommended to postpone the hearing until July to get the proper forms to the owners. Alderman Roberts moved to reschedule the public hearing for the substandard building committee to the July 8, 2024, council meeting, seconded by Alderman Gilbert. The vote was unanimous in favor.

CONTINUATION OF MINUTES MAY 13, 2024

MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST

Mayor Davis reported since we have new members, he sent out this letter and would like everyone's input on things that need to be worked in the city. We have been focused on cleanup and need to get things straightened up in our town. He suggested getting some roll-off dumpsters to put in areas for citizens to use. Alderman Ivey welcomed the new members to the council he is looking forward to working with them. Alderwoman McIntosh thanked the city employees and she is looking forward to working with the new council. Alderman Roberts stated he is glad to be here and excited to serve. He has seen a lot of changes in the two years he has been here and is excited to see Memphis grow. Alderman Richardson welcomed the new members and thanked everyone for the good job they are doing. He voiced his concern for cleanup in his ward stating some citizens don't have the equipment to do it. Alderman Bailey welcomed the new members, and he appreciates what everyone is doing. Alderwoman Ivy is excited that they have some new people. She wished Brent & Dana Baucom good luck with their new business. Alderman Gilbert agreed with what everyone else said and he's sure this will be an adventure.

ADJOURN

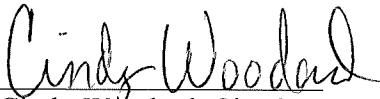
Alderman Bailey moved to adjourn the meeting, seconded by Alderwoman Ivy. The vote was unanimous in favor. The meeting was adjourned at 8:45 p.m.

Approved:



Joe Davis, Mayor

Attest:



Cindy Woodard, City Secretary

GENERAL ELECTION May 4, 2024

**City of Memphis, Texas
SUMMARY OF RETURNS**

I, the undersigned, the presiding officer of the canvassing authority for City of Memphis General Election, held on the 4th day of May, 2024, Hall County, Texas do hereby certify that the following is a total of all votes received by each candidate and shown by the returns. I further certify that the following vote totals include early voting votes by precinct received under Section 87.1231 of the Texas Election Code.

Early Votes Mail Votes Election Day Final Votes
Total Total Total Total

CITY OF MEMPHIS

MAYOR

Jill Cromwell
Joe Davis

CITY COUNCIL, WARD 1

Victor Flores
Woody Richardson

CITY COUNCIL, WARD 2

Lloyd Roberts

CITY COUNCIL, WARD 3

David Gilbert

CITY COUNCIL, WARD 4

Ray Dickson
Winfred "Wimp" McQueen

54	1	43	98
61	11	81	153
7	2	5	14
22	2	14	38
34	0	30	64
28	4	38	70
5	0	15	20
4	2	6	12



Signature of Presiding Officer
of Canvassing Authority

ORDINANCE NO. 694

AN ORDINANCE AMENDING THE CITY OF MEMPHIS CODE OF ORDINANCES, APPENDIX A, FEE SCHEDULE, SECTION A2.001, ANIMAL RELATED FEES; INCREASING THE RATES FOR ANIMAL RELATED FEES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has previously established rates for animal related fees provided within the municipal limits of the City; and

WHEREAS, due to the increase in expenses associated with maintaining and operating animal control, it has become necessary to increase the rates charged for such services; and

WHEREAS, the City Council of the City of Memphis finds the following animal related fee increases are reasonable and necessary for the continued proper operation and maintenance of the City's Animal Control and in the best interest of the public health, safety and welfare;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF MEMPHIS, TEXAS THAT:

SECTION 1. That Appendix A, Fee Schedule, Section A2.001, Animal Related Fees, of the Code of Ordinances of the City of Memphis Texas, is hereby amended by deleting the previous fees, rates, and charges for providing animal control services and is replaced by the following:

Section A2.001 is hereby repealed and replaced to hereafter read as follows:

- (a) Licenses (annual):
 - (1) Altered/spayed or neutered: \$20.00 per animal, per year.
 - (2) Unaltered: \$50.00 per animal, per year.
 - (3) Dangerous or aggressive animal: \$100.00 per animal, per year.
Must show proof of spade or neuter from the veterinarian and proof of vaccination. All animals located within the city limits must be licensed.
- (b) For every impounded animal, the following fees schedule shall apply:
 - (1) Impoundment fees:

Dogs, Cats, and Other Small Animals	Fee	5-Day Holding Each Day
1st offense	\$50.00	\$15.00

Dogs, Cats, and Other Small Animals	Fee	5-Day Holding Each Day
2nd offense	\$90.00	\$15.00
3rd offense	\$110.00	\$15.00
4th offense - Animal is deemed a nuisance	\$140.00	\$15.00

5th offense – Animal forfeited to the City and all fees incurred to be billed to the owner. Fees may include, but are not limited to, impoundment fee, food, transportation fees, euthanasia fee, and disposal fees.

(2) Dangerous animals or aggressive animal: Above-listed fees with additional day being \$25.00 plus an additional \$75.00.

(c) Adoption fees: For each adoption of any animal, the following fee schedule shall apply:

All Animals	Adoption Fee
Dogs, cats, and other animals	FREE

(d) Animals that are up for adoption may be held up to 10 days for adoption or at the animal control officer's discretion.

(e) Quarantine animal pick up: \$125.00 impoundment fee with additional \$25.00 per day, holding for 10 days. (These animals have to be checked on two or three times a day).

(f) Upon release of impounded animal, the owner shall show vaccination proof.

(g) Without proof of vaccination, the animal control officer will take to veterinarian and add fees to impound and holding: \$100.00.

(h) Animal permits (All permits must be renewed each year and all non-livestock animals must have a city tag.):

(1) Kennel license (for 4 or more dogs): \$75.00 annually.

(2) Cattery license (for 4 or more cats): \$75.00 annually.

(i) Livestock fees: \$75.00 annually.

(1) All livestock (fowl or poultry, livestock, horse, goats, sheep, cow, donkey) must have a permit.

(2) Exemption from the livestock fee will be the livestock show animals, but they still must have a livestock permit and it has to be filed at the city office or the animal control officer annually.

(j) Disposal fees:

Dog/Cat

Live - \$100.00 plus euthanasia, fuel & disposal fee

Dead - \$25.00 plus fuel & disposal fee

Livestock

Live - \$500.00 plus euthanasia, fuel & disposal fee

Dead - \$300.00 plus fuel and disposal fee

All other animals – to be determined by city staff on a case by case basis

(k) Additional fees: Any veterinary or drug fee incurred.

SECTION 2. Effective Date. This ordinance shall take effect on or after May 13, 2024.

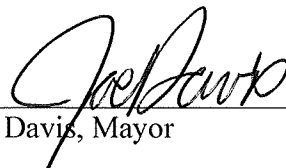
SECTION 3. Repealed. All other terms and provisions of the Code of Ordinances of the City of Memphis, not in conflict herewith and not hereby amended, shall remain in full force and effect.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Memphis, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Publication. The City Secretary of the City of Memphis is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

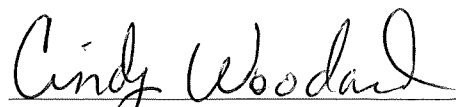
DULY PASSED AND APPROVED by the City Council of the City of Memphis, Texas, on this the 13th day of May, 2024.

CITY OF MEMPHIS, TEXAS



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary

ORDINANCE NO. 695

AN ORDINANCE OF THE CITY OF MEMPHIS, TEXAS AMENDING CHAPTER 10, ARTICLE 10.02, REVISING SECTIONS 10.02.081 AND 10.02.084 REGARDING PARK HOURS, MODIFYING THE RESTRICTED HOURS TO BETWEEN THE HOURS OF SUNSET AND SUNRISE WITHOUT A PERMIT ISSUED BY THE CITY; PROVIDING A PENALTY NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Memphis, Texas has previously enacted a Code of Ordinances, which includes Chapter 10, Streets, Parks and Other Public Ways and Places, Article 10.02, Parks and Recreation; and

WHEREAS, it is necessary to amend certain provisions of Chapter 10, Art. 10.02 of the Memphis Code of Ordinances to revise Section 10.02.081, Restricted Hours, and Section 10.02.084, Penalty, to modify the restricted hours to between the hours of sunset and sunrise without a permit issued by the City; and

WHEREAS, the City Council finds that these regulations and requirements to be reasonable and beneficial for the public health, safety, morals, or general welfare of the citizens of Memphis and desires to revise Chapter 10, Art. 10.02.081, Restricted Hours, and Chapter 10, Art. 10.02.084, Penalty, as outlined below;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

SECTION I

- A. That Sec. 10.02.081 of the Code of Ordinances is amended to read as follows (for reference purposes, new additions to the Code of Ordinances are underlined with deleted or omitted provisions indicated by strike out type):

It shall be unlawful for any person not hereinafter authorized to enter in and upon or to remain in or upon, in the city, the public roads and grounds contained therein described as being situated in a part of Section 90, Block 18, H&GN Ry. Co. Survey in Hall County, Texas, and including that property comprising said park beginning at the north entrance to the park just south of the south end of the concrete bridge over the creek on the north boundary of said park, between the hours of ~~10:00 p.m.~~ sunset and sunrise of each day.

- B. That Sec. 10.02.084 of the Code of Ordinances is amended to read as follows (for reference purposes, new additions to the Code of Ordinances are underlined with deleted or omitted provisions indicated by strike out type):

Any person found in said park or upon said park property during said hours between ~~10:00 p.m.~~ sunset and sunrise without such permit, and who is not exempt from the

provisions and coverage of this division, shall be deemed guilty of a class C misdemeanor and upon conviction thereof shall be fined in the sum of not to exceed the maximum fine established by state law.

SECTION II

Penalty. A violation of any provision of this Ordinance shall be deemed a misdemeanor punishable in accordance with Section 1.01.009 of the Code of Ordinances, City of Memphis, Texas.

SECTION III

Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION IV

Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

SECTION V

Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

SECTION VI

Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Gov't. Code.*

PASSED, APPROVED, AND ADOPTED on this 13th day May 2024.

CITY OF MEMPHIS, TEXAS

By: _____

Joe Davis, Mayor

ATTEST:

Cindy Woodard, City Secretary