

MINUTES OF OCTOBER 12, 2023, REGULAR MEETING

On this, the 12th day of October, 2023, 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, Jill Cromwell, C.W. Ivey, Leslie Ivy, Melisa McIntosh, Mollie Moffitt and Woody Richardson. Employees present were City Secretary Cindy Woodard, Municipal Court Judge David Aleman, and Water Clerk Marla Green. Citizens present were Kim Cloyd, Brenda & Ken Theriot, Cason Cartwright, Sherriff Tom Heck, Deputy Sergio Romero and Cindy Banner.

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 Alderman Richardson to voice the invocation. The following items were presented.

PUBLIC COMMENT

No comments were made.

APPROVE CONSENT AGENDA ITEMS

The consent agenda items were presented for approval: the regular meeting minutes from September 11, 2023, special meeting minutes from September 5, 2023, and October 2, 2023, accept collections and pay expenditures for September 2023, and Quarterly Investment report ending September 30, 2023. Alderman Bailey moved to approve the consent agenda items, seconded by Alderman Richardson. The vote was unanimous in favor.

DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES

Municipal Court Judge Aleman presented his written monthly report. City Secretary Woodard reported on attending the annual TML Conference with Alderwomen Cromwell and Ivy. She also reported the Foster, Lambert & Foard will be conducting the annual audit November 6th & 7th. Council members are welcome to stop by if they have any questions.

NEW BUSINESS

CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL FOR UTILITY RELOCATION ALONG STATE HIGHWAY 256

CONTINUATION OF MINUTES OCTOBER 12, 2023

Cason Cartwright with Parkhill Engineering Firm explained the agreement was for their firm to assist the city with the relocation of utility lines on Noel Street prior to the TXDOT rehabilitation project which is scheduled for January 2026. The plans are at 60% complete and should be at 100% by March 2024. Alderwoman McIntosh moved to approve the professional services agreement with Parkhill for utility relocation along State Highway 256, seconded by Alderman Ivey. The vote was unanimous in favor.

CONSIDER EXTENDING AGREEMENT WITH PANHANDLE COMMUNITY SERVICES FOR WATER ASSISTANCE PROGRAM

Water Clerk Marla Green explained how the water assistance program has been working. There was not a representative present from Panhandle Community Services to address questions from the council. Alderwoman McIntosh moved to table the item until a representative from Panhandle Community Services could attend and answer questions, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONSIDER AGREEMENT WITH MEMPHIS ISD FOR EMERGENCY EVACUATION

City Secretary Woodard reported Memphis ISD is requesting use of the community center for emergency evacuation if necessary. Alderwoman Cromwell moved to approve the agreement with Memphis ISD for emergency evacuation, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER USE OF THE COMMUNITY CENTER FOR HEALTH FAIR

City Secretary Woodard reported the Chamber and Memphis ISD are sponsoring a health fair on October 26th and they are requesting to use the community center at no charge. Alderwoman McIntosh moved to approve free use of the community center for the health fair, seconded by Alderwoman Moffitt. The vote was unanimous in favor.

CONSIDER PARTICIPATION IN THE 2022 REGIONAL MITIGATION PLAN UPDATE PROJECT

City Secretary Woodard reported the city needs to update the current plan every 5 years to be eligible for grant assistance. Alderwoman Ivy moved to approve participation in the 2022 Regional Mitigation Plan Update Project, seconded by Alderwoman Cromwell. The vote was unanimous in favor.

CONSIDER RESOLUTION 10-12-23A APPROVING THE PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION TO CINDY & CLIFFORD BANNER, DBA GABBY'S

Mayor Davis read the Resolution. Alderwoman Moffitt moved to approve Resolution 10-12-23A approving the project of the Memphis Economic Development Corporation to Cindy & Clifford

CONTINUATION OF MINUTES OCTOBER 12, 2023

Banner dba Gabby's, seconded by Alderwoman McIntosh. The vote was unanimous in favor. A copy of the resolution follows these minutes.

CONSIDER RESOLUTION 10-12-23B APPROVING THE PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION TO JUDY & SCOTT LEWIS, DBA THE COTTAGE

Mayor Davis read the Resolution. Alderwoman Cromwell moved to approve Resolution 10-12-23B approving the project of the Memphis Economic Development Corporation to Judy & Scott Lewis, dba The Cottage, seconded by Alderwoman McIntosh. The vote was unanimous in favor. A copy of the resolution follows these minutes.

CONSIDER ORDINANCE 691 REPEALING CURFEW ORDINANCE

City Secretary Woodard explained the state has passed House Bill 1819 abolishing minor curfew laws and replacing them with a Youth Diversion Plan. The Ordinance is needed to be in compliance with the state. Alderman Bailey moved to adopt Ordinance 691, seconded by Alderman Richardson. The vote was unanimous in favor. A copy of the Ordinance follows these minutes.

CONSIDER ELECTION OF APPRAISAL DISTRICT DIRECTORS 2024-2025

City Secretary Woodard reported the city has 305 votes to cast to elect a director. The nominee for the city is Ed Bailey. Alderwoman Moffitt moved to cast the city's 305 votes to Ed Bailey for election to the Appraisal District Directors for 2024-2025, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONSIDER RESCINDING INTERIM POLICE CHIEF AND APPOINTING ADMINISTRATOR FOR TEXAS COMMISSION ON LAW ENFORCEMENT

City Secretary Woodard reported the action taken by the council to appoint Ed Bailey as interim Police Chief needed to be rescinded and they needed to consider an administrator for TCOLE paperwork only. Sherriff Heck addressed the council and explained what happens when you appoint a police chief and why Bailey could not fill that role. After some discussion, Alderwoman Ivy moved to rescind the appointment of Ed Bailey as Interim Police Chief, seconded by Alderman Ivey. The vote was unanimous in favor. Alderwoman Ivy moved to table appointing an administrator for Texas Commission on Law Enforcement, seconded by Alderman Richardson. The vote was unanimous in favor.

CONSIDER TAKING BIDS FOR CLEANUP FROM THE FIRE ON THE DOWNTOWN PROPERTY

City Secretary Woodard reported the property owners have been sent a letter by the city attorney requesting cleanup of the property, but no work has been done. Under city ordinance, the city

CONTINUATION OF MINUTES OCTOBER 12, 2023

can now either do the cleanup or hire someone to do the work. Then a bill can be sent to the property owner and if they do not pay a lien can be placed on the property. After some discussion, Alderman Bailey moved to put together a bid sheet for the property cleanup, seconded by Alderman Richardson. The motion passed six in favor, none against and Alderwoman McIntosh did not vote.

ADDRESS COMMUNITY ACTION

The council discussed areas of cleanup that are needed in the community. It was also discussed to start involving the council committees and making a plan of action.


MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST

Alderman Bailey reported he appreciates what everyone is doing, and he appreciates the sheriff's department helping the city. Alderwoman Ivy thanked the sheriff for what he is doing to help out. She stated the council needs to work together and do what is best for the most. Alderwoman Cromwell thanked everyone for the effort put into to the budget this year. Mayor Davis reported they have never had to go through this law enforcement issue, so they are kind of in the dark in this area. They have a lot of things to do and have a new budget year and some fresh ideas.


ADJOURN

Alderman Bailey moved to adjourn the meeting. Alderwoman McIntosh had left the meeting prior to adjournment. Alderwoman Ivy seconded the motion, and the vote was unanimous in favor. The meeting was adjourned at 7:53 p.m.

Approved:


Joe Davis, Mayor

Attest:


Cindy Woodard, City Secretary

RESOLUTION NO. 10-12-23A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS: APPROVING A PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION; SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interest of promoting economic development of the City of Memphis to approve the project described below for the establishment of a new business; and

WHEREAS, the project is in the City's municipal boundary and the City Council specifically finds that this project will result in increased sales and other economic activity within the city;

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

SECTION 1. That the Memphis Economic Development Corporation's recommended project to loan the sum of Seventy-Five Thousand and no/100 Dollars (\$75,000.00) to Cindy and Clifford Banner d/b/a Gabby's to purchase the building at 600 W. Noel and for equipment and improvements to the building, that is located within the city, upon the terms and conditions provided for in that certain economic development agreement, promissory note, security agreement, deed of trust, and personal guaranty is hereby approved by the majority vote of the Memphis City Council.

SECTION 2. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

SECTION 3. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

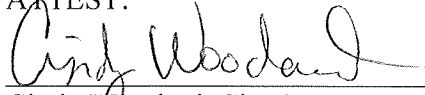
SECTION 4. That this resolution shall be effective on and after its date of adoption.

PASSED AND APPROVED by the City Council of the City of Memphis, Texas, this 12th day of October, 2023.



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary

RESOLUTION NO. 10-12-23B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS: APPROVING A PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION; SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interest of promoting economic development of the City of Memphis to approve the project described below for the establishment of a new business; and

WHEREAS, the project is in the City's municipal boundary and the City Council specifically finds that this project will result in increased sales and other economic activity within the city;

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

SECTION 1. That the Memphis Economic Development Corporation's recommended project to loan the additional sum of Thirty Thousand and no/100 Dollars (\$30,000.00) to Scott and Judy Lewis d/b/a The Cottage, that is located within the city, upon the terms and conditions provided for in that certain Second Modification and Extension Agreement, Promissory Note, Deed of Trust, and Security Agreement is hereby approved by the majority vote of the Memphis City Council.

SECTION 2. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

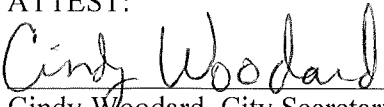
SECTION 3. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 4. That this resolution shall be effective on and after its date of adoption.

PASSED AND APPROVED by the City Council of the City of Memphis, Texas, this 12th day of October, 2023.



Joe Davis, Mayor

ATTEST:


Cindy Woodard, City Secretary

ORDINANCE NO. 691

**AN ORDINANCE OF THE CITY COUNCIL, CITY OF MEMPHIS, TEXAS, REPEALING
ORDINANCE NO. 683, CURFEW HOURS FOR MINORS OF THE CITY OF MEMPHIS,
TEXAS; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, on February 13, 2023, the City Council of the City of Memphis, Texas (City Council) adopted a curfew ordinance for minors in the City of Memphis, Texas (City), which is codified as ARTICLE 8.02 MINORS (Code of Ordinances), as amended; and

WHEREAS, the City Council of the City of Memphis, Texas adopted Ordinance 683 on or February 13, 2023, reestablishing ARTICLE 8.02 MINORS of the City of Memphis, Texas; and

WHEREAS, the City Council has determined that based upon the passage of House Bill 1819, "Juvenile Curfew", which bans the imposition of a curfew of persons younger than 18 years of age, except for purposes of emergency management, signed into law June 9, 2023, there exists a need to repeal Ordinance No. 683 adopted on February 13, 2023; and

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

SECTION 1. All the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of the Ordinance as if copied in their entirety.

SECTION 2. The City of Memphis Ordinance No. 683 is hereby repealed in its entirety.

SECTION 3. Repealer. All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of the 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 4. Severability Clause. Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of the Ordinance.

SECTION 5. Effective Date. The Ordinance shall take effect and be in full force from and after the date of its passage.

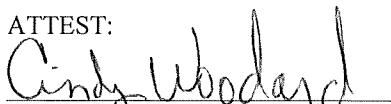
READ, PASSED AND ADOPTED THIS 12th DAY OF OCTOBER 2023, BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS.

CITY OF MEMPHIS, TEXAS



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary