



SPECIAL CITY COUNCIL MEETING

Tuesday, October 25, 2022 at 7:00 PM

CITY COUNCIL CHAMBERS - 120 Paint Rock Street, Eden, TX

Off: 325-869-2111 | Fax: 325-869-5075

MINUTES

1. CALL TO ORDER AND ROLL CALL

Mayor & Council Members

PRESENT

Agapito Torres
Jennifer Martinez
Grover Hall
Randy Dunaway
Bradley Gandy

ABSENT

Priscilla Aguirre

2. BUSINESS

Consideration and Possible Action On:

- A. Consideration of and approval for Mayor to sign the following USDA Water and Wastewater Improvement Project Change Order:

1. Professional Engineering Services Amendment No. 2 Contract Price Increase of \$10,000 for Basic Engineering and \$40,000 for Inspection Services

Council discussed Business Item "A", a Professional Engineering Services Amendment #2 on the USDA project for a contract price increase of \$10,000 for Basic Engineering and \$40,000 for Inspection Services. This was previously approved as \$50,000 for Inspection Services, and the votes tonight need to reflect the \$10,000 for engineering and \$40,000 for inspection services. Motion made by Council Member Hall to approve the Professional Engineering Services Amendment #2 on the USDA project for a contract price increase of \$10,000 for Basic Engineering and \$40,000 for Inspection Services, seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Hall, Seconded by Gandy
Voting Yea: Martinez, Hall, Dunaway, Gandy

- B. Discussion regarding water and sewer utilities for the proposed new Concho County Hospital, Nursing Home, and additional patio homes and approval to proceed with the necessary research and survey costs

Clint Taylor, eHT, sent information and maps of current city utilities pertaining to Business Item "B", discussion regarding water and sewer utilities for the proposed new Concho County Hospital, Nursing Home, and additional patio homes and approval to proceed with the necessary research and survey

costs. The estimated engineering research and survey costs are estimated at about \$5,000. Motion to approve up to \$5,000 for engineering research and survey costs for the proposed new Concho County Hospital, Nursing Home, and additional patio homes was made by Council Member Hall, and seconded by Council Member Martinez. Motion carried 4-0.

Motion made by Hall, Seconded by Martinez

Voting Yea: Martinez, Hall, Dunaway, Gandy

C. Consideration of Annual City Employee Uniform Service Agreement Proposals from Cintas and UniFirst

Council discussed Business Item "C", proposals for a City Employee Uniform Service Agreement from Cintas and UniFirst. The pricing from Cintas was about one-half of the pricing from UniFirst. Motion to approve a thirty-six month contract with Cintas for a City Employee Uniform Service Agreement was made by Council Member Hall, and seconded by Council Member Gandy. Motion carried 4-0.

Motion made by Hall, Seconded by Gandy

Voting Yea: Martinez, Hall, Dunaway, Gandy

D. Consideration of Eden Economic Development Corporation requests:

1. Approval to fund a Part-Time Economic Development Coordinator to be employed by the City of Eden and assigned to the Eden Economic Development Corporation

2. Approval of Project Manager Job Description and approval to contract for services for a Project Manager for individual projects as they are presented

Kit Hall, Secretary for the Eden Economic Development Corporation (EEDC) presented information for Business Item "D", Approval to fund a Part-Time Economic Development Coordinator to be employed by the City of Eden and assigned to the Eden Economic Development Corporation, and Approval of Project Manager Job Description and approval to contract for services for a Project Manager for individual projects as they are presented. EEDC is willing to fund both requests for the fiscal year 2022-2023. Kit Hall suggested a work session with City Council and EEDC to determine specifics of both the consultant contract and of the part-time employee position. Motion made by Council Member Hall to approve the requests for EEDC to fund both the Project Manager contracted consultant and to fund the part-time EEDC Coordinator position as a City employee assigned to EEDC, and for both the City Attorney and EEDC's attorney to visit and determine the scope of the contract and how to send out the request for bids and the open City position, seconded by Council Member Martinez. Motion carried 4-0.

Motion made by Hall, Seconded by Martinez

Voting Yea: Martinez, Hall, Dunaway, Gandy

F. Updates regarding Management, Maintenance, and Funding of Golf Course

Council Member Gandy noted that Council Member Dunaway may know someone who can rebuild the check valve for the sprinkler system. Council Member Dunaway suggested that those wanting continued operation of the golf course would find a way to make it happen. Council Member Gandy noted that the Eden Golf Course Association recently held a meeting, and that he was voted in as President of the Eden Golf Course Association at this meeting. He understands it will take a village to get the Golf Course back into playable standards. The progress of the association's non-profit status was discussed, and no actions have been taken at this time.

Council Member Dunaway questioned if the City was pushing off the Golf Course onto the Golf Course Association stating that the City was the reason for the current condition.

Mayor Torres noted that just as the condition of any piece of equipment changes over 20 years of use, so does something such as the Golf Course if no long-term plans for upgrades and maintenance are in place. In response to Council Member Dunaway's question, Mayor Torres reiterated that the Golf Course has never made money, and has lost a considerable amount each year. The data and information is available if needed. Nothing was ever dedicated for long-term maintenance of the Golf Course, just as nothing has ever been dedicated for the long-term maintenance of the Swimming Pool. Public funds need to be used correctly to insure the upkeep of our city assets.

Council Member Gandy suggested using some of the \$20,000 allocated for the Golf Course last year to pay for the rebuild of the check valve to get water going to the course again.

Mayor Torres stated that just as the Saddle Club has used grant funds for the upkeep of the arena area, the Golf Course Association could use grant funds for the upkeep of the Golf Course. Once non-profit status is achieved, the Eden Economic Development Corporation can provide funds, and the City can help as well. Mayor Torres further suggested that maybe an overall "Recreation Association" could be formed as a 501(c)(3) non-profit organization to encompass the Swimming Pool, Youth Recreational Sports, and the Golf Course. This way funding could be sought for all of these activities.

Spraying of mesquites at the Golf Course was discussed. Council Member Dunaway suggested that he may have a few folks who can spray these. By consensus, Council agreed to use the \$2,500 already authorized (of the \$20,000 Golf Course allocation) for this activity to pay for the chemicals to get the mesquites sprayed.

3. EXECUTIVE SESSION

The City Council for the City of Eden has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices, and 551.086 (Economic Development).

Council entered into Executive Session at 7:50 PM under Section 551.071 (Consultation with Attorney).

Council returned to regular session at 8:35 pm.

4. BUSINESS

Consideration and Possible Action On:

E. Discussion regarding Forensic Audit results and consideration of resulting actions

Council discussed Business Item "E", Forensic Audit results and consideration of resulting actions. City Attorney Jeff Betty requested a few days to go through the budget code and expense information to determine his findings and write them in a letter to the Texas Rangers and to the Concho County Sheriff's Office, as well as a letter to Eden's Green Apple Inc. attorney, Mr. Hurley.

Mayor Torres did not want the City to be the ones finding fault, as the City has just followed the recommendation from the Texas Rangers to obtain a forensic audit. Now that the forensic audit is complete, Mayor Torres wanted to send it forward to the Texas Rangers as requested.

Betty explained that some of actions could be considered criminal, and some of the actions could be considered unethical, as the former City Secretary / City Administrator had written check to herself. This was wrong. Funds should not have been sent to Eden's Green Apple, Inc. by the City Secretary / City Administrator, as she was also the principal for Eden's Green Apple, Inc. Betty believes these actions were improper at best, and possibly fraudulent, as the funds set aside for the building were meant for City operations, and not the operations of an outside non-profit organization. Betty would like to look over all of the expenses and invoices, and he asked for time through the end of the week to get the letters ready for all involved.

Betty informed that he had responded to an open records request for the forensic audit information, and that he had provided a copy of the audit letter explaining the findings. This information is currently confidential as attorney work product, but would be subject to open records requests after the information is turned over to the Texas Rangers and Concho County Sheriff's Department.

Council Member Martinez made a motion to send the letters from the City Attorney along with the information from the forensic audit to the Texas Rangers and Concho County Sheriff's Department by this Friday, October 28, 2022, seconded by Councilmember Dunaway. Motion carried 4-0.

Motion made by Martinez, Seconded by Dunaway.

Voting Yea: Martinez, Hall, Dunaway, Gandy

5. ADJOURN

Meeting adjourned at 9:00 PM.

Signed:

Attested:

Mayor

City Secretary