

City of Eden
Regular Session

The city council of the City of Eden met in regular session on Tuesday July 13, 2010 in the council chambers of City Hall.

Present:

Mayor Eugene Spann
Councilmember Eddy Markham
Councilmember Butch Williams
Councilmember Sylvia West
Councilmember Ray Torres
Councilmember Russell Roberts
Celina Hemmeter, City Secretary
Attorney Jill Hoffman
Attorney Dwain Psencik

Lisa Evans, Court Clerk
Kathy Keane, ED Coordinator
Ricky Thomas, Police Dept
Rodney Castleberry, Public Works
Mike Turner, Golf Course Mgr.
Esther Gryniewicz, Utility Billing
Jason Medders, EVFD

Absent: None

Mayor Spann called the meeting to order and Councilperson Markham gave the invocation.

Citizen's Participation:

Glenda Miller-"Well uh really I don't know what the problem is, the only thing I know is we are Eden, we are the people of Eden and we have to work together and I feel like maybe we are forgetting and we have got to work together and I guess the reason I want to say something is Clay and I have been I mean we were mad at the law, we were really mad at the law because Clay got a ticket for his truck we were mad we didn't like that patrol man at all and we went around with this on our shoulders and finally God spoke to us and he said look it's not that patrol man that did something wrong that is you Clay that is you Glenda that did something wrong that man enforced the law and I kinda feel like I mean I am so ashamed of myself because Clay and I you know bad mouthed the officer when we shouldn't, we apologized to him because we were wrong he was making a safer place for ya'll because we did not have all the markings on the truck we should have to make it very noticeable we had fuel that was explosive and he made us do that the reason he made us is the law said you had to and we didn't have all the paperwork done that was our fault that because we didn't know we were wrong but we were wrong and we should have found out we were wrong. So I guess what I am trying to say is, is Celina is like the officer she is the person that we have asked to be in charge to take care of our city to use our city ordinances and enforce them and I believe if I am not mistaken our city council hired her to enforce the law and if she doesn't enforce the law she is not doing her job like the man that gave clay and I the ticket if he hadn't given us the ticket we would have continued to do wrong and we would have endangered each of you on the highway So I feel like maybe it has touched me enough to realize that we need to get behind Celina and let her enforce the laws and us follow because she didn't make the laws but she is trying to make our city a

better place and we are all friends and my only thing is I liked to see each one of us get behind Celina.”

Debbie Dunaway-“um I agree with Glenda that we did uh we voted the council members and mayor to protect us they hired Celina to protect us don't have a problem with that but also goes to obeying what is right and what is wrong if your not doing what's right then you need to be reprimanded and it needs to be changed and that's for every person in this room we have a interest in each council member and mayor to listen to what were asking you know uh we can be a close knit community or we can be divided and that goes to responsibility to each person in this room and to do the right thing whether it has to do with uh obeying the law or just doing the right thing for the citizens that we have voted to elect to take care of us that's all.”

Courtney Torres-“yes um actually I have some questions which you probably aren't going to be able to answer but my questions are is if you the mayor are approached with something we feel as a community needs to be addressed um and we ask you to put that on the agenda and it doesn't get done, where does that leave us it kinda feels to me if I walked up to you and say look this is going on this is happening you know can we get it on the agenda and get it fixed and I get no response how is that keeping us a community I mean a community is everybody together I don't think my problem has nothing to do with Celina it has nothing to do with her I think she is doing her job it's the way you go about doing it, it's the way you represent it. If she is trying to enforce it she is doing a great job but she is doing it the wrong way, you have to approach people in a way that you can get along with them this is not about being a bully I don't think she is trying to be a bully, but I think she needs to get better people skills to work with these people I think that's the problem I don't think that everybody really necessarily hates her or wants her fired I think she needs better people skills. And I think that as a community If we let her know that instead of attacking her whatever I mean I think she will hopefully improve but if she doesn't that is the council's job to decide what goes on from that point, something has to be done there is so many names signed there's this petition something has to be done, whether it goes into a committee we form a committee and we do research on it, do investigations, just like ya'll where going to do with the police department that needs to be done with her if there is that many problems with her, that's all I got to say.”

Shelly Hyles-“Well I really don't know um about a petition because um nobody has every approached me to sign it of course they probably wouldn't um but my thing is I think all of this can be done in a more simple way instead of putting out petitions and stuff like that um if certain people have problems with dealing with our city manager then maybe the city manager needs to step out of dealing with those particular persons when those particular persons approach the city office they need to be immediately directed to someone else and those people and that particular person handle that particular persons complaint because it's obvious to me and probably everyone in the room that Celina cannot make these people happy period end of story it's not gonna happen the only way they are going to be happy is if she is fired and personally I think she is doing a good job you know I think that because I've told you that millions and

millions and millions of times but in order to simplify and I don't have a problem with the City sending Celina to people skills class if that's what you think she needs then send her to people skills class but I don't think enough people skills in the world would allow me to deal with some of the situations that she has had to deal with and I am a pretty calm person. So the thing for me my suggestion would be that the people that have the problem with Celina do not deal with Celina deal with the mayor or deal with a council person directly or if they have to talk with Celina then the mayor or council person must be present at all times to make sure that the situation is handled to that persons satisfaction which is probably not possible but uh that would be my suggestion and then to send Celina to some people skills class so that everybody would be happy that she had some people skills classes."

Wendell Moody-"ok thank you Mr. mayor, Council, got some notes here uh the 3 minutes kinda shook me there for a minute uh but after ready the article in last Thursdays Eden Echo I would like to make some comments about city government I want to tell you Council Celina, City Administrator not manager and entire staff that you are doing a very good job(applause) the articles indicate that some folks don't think so Well let me sight some examples why I believe city government is on the right track 50 or 60 dilapidated buildings are gone we control ordinances Ordinance receiving attention junk car ordinance receiving attention, several streets with new pavement on the north side of town, improvements in the water distribution system on the north side of town, renovation of the interior of the community center makes it a much more desirable place to meet. It is my understanding that Celina and some of her volunteers in cooperation with the chamber did that. Now I see the city also cooperating with other local agency and organizations and private sector a state of the art waste treatment plant funded by CCA and operated by the city reduces if not eliminates the constant threat of TCEQ fines now I said possible elimination uh you are never really sure of that with TCEQ, future construction of new homes on the north side of Eden by a private individual, rodeo arena managed and used the Concho county saddle club it is nice to see that facility being used. Young people trying to establish a business here in Eden, one just down the street and other projects incorporation with the Eden Economic Development Corporation that are in the works. I recently worked with Celina and several council people on selecting a consultant engineer, Celina led one of the most professionally run selection processes I have ever worked with. The process afforded the best chance of getting the best qualified engineer all indications are the City has got the best. This selection leads to one of the most important projects the city is about to undertake in over the last several years. The engineers are tasked with finding additional water to supplement the two deep wells that would be third well 4,000 feet deep and that's critical just ask Rodney . Select the best process to remove radio nuclei to satisfy TCEQ and reduce if not eliminate the threat of fines. Evaluate water distribution system and replace or extend pipe into excuse me into underserved areas, evaluate the sewer collection system to identify underserved areas. These projects are going to cost several million dollars the city and consultants are looking for funds to do their job the consult engineer needs strong consistent leadership and guidance from the city administrator and council and I believe they'll get it. I strongly recommend that the

council as a whole give Celina strong support to get the job done. You are her bosses. Together you have accomplished a lot in the last couple of years, there's a lot left to be done so it's no time to start breaking up the team. Council members come and go the City Secretary or administrator and the staff are the stability that keeps the city running. The City is moving into an important phase that will significantly define its future. Continue to support Celina and the staff, Mr. Mayor and Council I thank you for your time."

Mayor: Thank you Wendell. Um, Minister Anthony Torres.

Anthony Torres: I am Minister Anthony Torres I am no relation to that man over there (laughter), Robert Torres or any of the Torres' in this town. Perhaps the Council gave the City manager too much authority which would be hard for anyone to handle. The City Manager has admitted it's a stressful job, this is this is no excuse to abuse to abuse of authority. It is alleged that if any of the City employees signed this petition they would be fired, this would be a violation of their Civil Rights. It is alleged that an employee was told to dig 40-70 postholes with a crow bar because he agreed with someone's disparaging remarks about the City Manager. It is alleged that the City Manager pulled a 24,000 dollar CD from the City's reserve fund fund we would like to know if the City Council gave the this active the authority to do so or was the attempt to cash in this CD stopped. Finally I would like to see an independent audit of all city offices. The admitted misuse of the city credit card is illegal. I would like to see if there are other misuses and or possibly collusion to cover up these offenses. We submit that the City Manager be fired immediately.

Mayor: Thank you sir, Dianne Meek

Dianne Meek: This petition I am presenting for the undersigned citizen's of Eden is asking for the immediate firing of the city of Eden City manager slash city secretary. And we would like you to give it your earliest attention. Texas is an at will state that practices of this doctrine. It states that any employee or employer can terminate employment at any time for any reason as long as it's not a protected one this is such as employment of the disabled or age discrimination. So why is our city manager slash city secretary remaining employed. Another concern is our is if our city secretary city manager is qualified for the job that she was hired to do. When I went to the city office and asked to be signed up for the agenda I was rudely told that concerns of the Eden citizens was not enough info. I spoke to the officer on duty, changed my description to more info and then learned I was not on the agenda, why? The citizens have spoken; we want the city manager city secretary fired. Thank you for your time and I have the petition with the signatures for each one of your members there's also twelve that have not been copied yet.

Mayor: Thank you mam, and uh Cindy Venzor

Cindy Venzor: (Laughs) I am sorry to be laughing. My question is not about Celina. It is about the petition. Now I just heard that woman over there say the citizen's have spoken. Well, you know what this citizen, I thought I was a citizen of Eden, did not have

a chance to read this petition. I feel like as a citizen my rights were violated also. Now, I feel like people, certain people, were selected to see this petition which that, that's wrong. As a citizen we have the right, all of us whether we agree not agree should have had a chance to read it. There should have been a place for us to go to; to look at it you know there's nothing wrong with that. A petition that that's our right to do that if we don't like someone in office what do you? Do what we are doing. But don't sit there and say the citizens of Eden has spoken because not everybody has. I had to find out through my job a petition. People asked me have you seen a petition, what petition? You know what ever is on it ok so be it. But as a citizen I felt that not everybody's voices are being heard. And that's why we have a problem in the city the people are the reflection of the city and let me tell you it's horrible I'm embarrassed. We've got people coming from outside of Eden to speak on as a citizen of Eden I mean that's, that's just not right. And I know you can't answer my question but why were others able to see this petition. I mean I thought we had that right to go to the Eden Echo to see it if any questions call so in so call such in such, no nothing. That's all I have to say.

Mayor: Thank you Mam.

AJ Dolle: I will put it in the paper this week so that you all can see it.

Unknown: It won't do any good....chatter

Mayor: All right. All Right let's have a little order. Uh, I want to respond to a couple of questions that uh was asked. In a general law city type A like we are a petition does not trigger any legal obligation on the part of a city to act unless that petition is based on a particular statute in the Texas constitution. Only the Mayor and the Council members have a right and the authority to put items on the agenda citizens have no right under Texas law to demand that an issue be put on the agenda. I chose not to put this item on the agenda not knowing what the petition was about what it contains or whether it meets requirements under the Texas statute. I am accepting the petition. Staff and legal counsel uh staff and Council with legal advice will review it and it will be our decision to take any further action on it. Thank you. A ten minute recess.

Councilperson Markham made a motion to approve the June 2010 bills and financial statements, seconded by Councilperson Roberts, motion carried.

Councilperson Markham made a motion to approve the June 2010 regular session minutes, seconded by Councilperson Williams, motion carried.

Economic Development Coordinator, Kathy Keane provided a written report to Council.

Acting Chief of Police Ricky Thomas provided a written report to Council.

Parks and Recreation Manager, Mike Turner provided a written report to Council. Golf fees will be going up and there is a lot of mowing to be done.

Public Works Superintendent Rodney Castleberry reported that we could not fill potholes until the new budget year. A citizen asked about a water line were he wanted to put a fence up and Rodney told him that line was dead.

Fire Chief Jason Medders reported that they would be sending 4 or 5 guys to A & M Fire School.

Councilperson Williams made a motion to approve the Public Hearing on the Consideration of adopting a Resolution authorizing the City of Eden to submit an application to the Texas Parks & Wildlife Department for a Local Park Grant for the proposed Concho Springs Golf Course and Lee Pfluger Park Additions and authorizing the Mayor to execute the related Certification and Program Assurances, seconded by Councilperson Markham, motion carried.

Councilperson Williams made a motion to approve Ordinance “Governing the Management of Utility Services; Governing Payment of fees Establishing Procedures for Delinquent Payments, discontinuance or Refusal of Service, Effective date and notice and Hearing of Discontinuance.”, seconded by Councilperson Markham, motion carried.

Councilperson Markham made a motion to extend cemetery mowing contract for 1 (one) additional year at the same rate per month to Eden Lawn Care, seconded by Councilperson West, motion carried.

Councilperson Roberts made a motion to approve payment or loan option for the Preliminary Engineering Report required for USDA RUS Application, seconded by Councilperson Markham, motion carried.

Councilperson William made a motion to set time and date for publication of public hearing (July 15, 2010) and time/date for Public Hearing on the Adoption of 2010-2011 Budget (July 27,2010), seconded by Councilperson West, motion carried.

With no further business, the meeting was adjourned.

Mayor Eugene Spann

Celina Hemmeter, City Administrator