

City of Eden
Regular Session

The city council of the City of Eden met in regular session on Tuesday January 11, 2011 in the council chambers of City Hall.

Mayor & City Council Members

Mayor Eugene Spann
Councilmember Eddy Markham
Councilmember Butch Williams
Councilmember Sylvia West
Councilmember Ray Torres
Councilmember Russell Roberts

City Staff/Appointed Officials

City Administrator Celina Hemmeter
Police Chief Ricky Thomas
Parks & Recreation Manager Mike Turner
Public Works Supervisor Rodney Castleberry
Economic Development Coordinator Kathy Keane
Sewer Plant Supervisor Tommy Wright
Court Clerk Lisa Evans-*ABSENT*
Utilities Clerk Esther Gryniecicz

Mayor Spann called Council Meeting to order, Minister Trejo gave the invocation.

CITIZENS PARTICIPATION

Mike Hemmeter spoke in support of Celina Hemmeter, City Administrator.
Antonio Aguilar spoke in support of Celina Hemmeter, City Administrator.
Wendell Moody spoke in support of Celina Hemmeter, City Administrator.
Dwain Psencik made comments on accountability.
Richard Whitlock made a comment on the flags around the city.
Esther Gryniecicz spoke in support of Celina Hemmeter, City Administrator.

REPORTS OF AGENCIES, COMMISSIONS & STAFF

Keith Kendle with eHT gave an update on the Texas Water Development Board Grant. On January 20, 2011 Mr. Kindle along with Eugene Spann, Sylvia West, Wendle Moody, Kathy Keane and Celina Hemmeter will be traveling to Austin to receive a commitment from the TWDB for 4.7 million, 80% of those being grant money; in funds that will provide treatment for the radio nuclides. Mr. Kendle said this is not the time for a managerial shakeup, and in his personal opinion Mrs. Hemmeter has been nothing but professional and a pleasure to work with.

Randy Verner with USDA reported that he has been here for over 4 years for the County. The USDA helps assist small rural communities with less than 10,000 with their community facility programs which includes sewer and water, library, clinics any type of community facility. Mr. Verner is confident in Mrs. Hemmeter's ability to navigate through the application process and get this turned in on time to the State office to the point of obligation.

CONSENT ITEMS

Councilperson Markham made a motion to approve consent items A thru D, seconded by Councilperson Williams, motion carried.

- A. Approval of Regular Meeting Minutes, December, 2010
- B. Approval of Financial Statement Month Ending December, 2010
- C. Approval of City of Eden Investment Report Month Ending December, 2010
- D. Approval of Expense Form for Credit Card Purchases as presented at meeting 1/4/2011

BUSINESS

Councilperson West made a motion to approve business item A. Discussion and Action on awarding the engineering contract to eHT for the Rural Development (RD) funded project contingent upon approval from USDA Rural Development, seconded by Councilperson Williams, motion carried.

Councilperson Markham made a motion to approve business item B. December 2010 bills, seconded by Councilperson Williams, motion carried.

Councilperson West made a motion to defer action on business item C. Rates and Regulations for Citizen's Collection Station (Dumpster), seconded by Councilperson Williams, motion carried.

Councilperson Markham made a motion to approve business item D. Ratify payment of Merit Incentive paid to Gracie Salazar while on unpaid FMLA leave, seconded by Councilperson Williams, motion carried.

Councilperson West made a motion to approve business item E. Approval of Spirit of Eden Fund Applications:

- a. Beautification committee-Metal art signs to replace cloth banners in downtown area.
- b. Matching funds for Renewable Energy Demonstration Pilot Program

Seconded by Councilperson Roberts, motion carried.

Councilperson Roberts made a motion to defer action on business item F. Change of title/ownership of ambulance from the City of Eden to the Eden EMS if permitted by law, seconded by Councilperson Markham, motion carried.

Councilperson West made a motion to approve business item G. Update and approve members of Planning and Zoning Board of Adjustments and Beautification Organization, on the Planning and Zoning Board Blake Leggett replaced Laura Bowden and on the Board of Adjustments Sarah Leggett

replaced Jenny Sanders, seconded by Councilperson Roberts, motion carried.

Councilperson Markham made a motion to approve business item H. Change pricing of cemetery plots or perpetual care in accordance with the costs incurred to maintain/expand the cemetery. The new pricing will be as follows:

6 space, lot \$570.00, perpetual care \$300.00, filing fee \$16.00, total \$886.00,
3 space, lot \$300.00, perpetual care \$150.00, filing fee \$16.00, total \$466.00,
1 space, lot \$150.00, perpetual care \$75.00, filing fee \$16.00, total \$241.00
seconded by Councilperson Williams, motion carried.

Councilperson Markham made a motion to approve business item I. Discussion regarding who will suggest changes to the Personnel Policy and Timeline for same, Russell Roberts and Aaron Hess will work on it and present their report at the March Council Meeting, seconded by Councilperson West, motion carried.

Councilperson Markham made a motion to defer action on business item J. Resolution approving the 2010 Audit Report with changes, until Joyce Cornelius responds, seconded by Councilperson West, motion carried.

Councilperson Markham made a motion to approve business item K. Resolution stipulating who may issue Refunds and Waivers of Permit Fees, any refunded amount over \$500.00 will go before Council for approval, \$500.00 and under the City Administrator will make the decision, seconded by Councilperson West, motion carried.

Discussion and input from City Staff regarding City Administrator/Secretary Celina Hemmeter, city staff had already commented during public comment. There was no further discussion.

Executive Session per Section 551.074 of the Texas Government Code for Personnel matter, Celina Hemmeter opted to continue the meeting in open session.

A. Evaluate work performance of City Administrator/Secretary, Celina Hemmeter: Discuss and take action regarding continued employment status.

Councilperson Roberts stated that the Council did not have evaluation forms, Mayor Spann went and made copies and distributed them to Council. Mayor Spann informed Council that he had already evaluated Mrs. Hemmeter on December 22, 2010, and had given her the report as his duty as Mayor. Councilperson Torres questioned credit card receipts and how gas receipts are turned in; Celina Hemmeter explained that she keeps an excel spreadsheet that keeps track of gas and trips that the city's auditor Joyce Cornelius knows about it and a copy was provided to Council. The City's attorney reported at the last meeting that no City Policy was broken.

Councilperson Roberts will be amending the City Personnel Policy to make the reimbursement of travel expenses more clear. Councilperson Roberts said we should do away with credit cards, Mayor Spann said that would not be done a City needs credit cards to operate. Councilperson Roberts made a motion to adjourn the meeting, motion died for lack of a second.

Celina Hemmeter stated she wanted this done tonight that she has done nothing wrong, and she does not want past issues brought up again. Mayor Spann said we do need to make some changes, Russell Roberts will work on the personnel policy. Mayor Spann said he has some suggestions for the credit card use which he provided to Councilperson Roberts. Councilperson Torres asked Mayor Spann if he thought this was acceptable audit and Mayor Spann responded yes and so does the Auditor if you will read the back of the Audit, she states it is an acceptable audit. Councilperson Torres asked why the payment on the spirit of Eden was late, and Celina Hemmeter responded that she is not perfect and mistakes happen.

Councilperson Markham spoke regarding the accomplishments that had been made since Celina has been with the City. He remarked that Celina is working on correcting the issues that were noted on the audit and several had been rectified before the audit was even completed.

Councilperson Williams stated that he had worked for several different companies and the reimbursement methods were different at each one and that the people who are accusing Celina of wrongdoing are likely the ones who would do such a thing.

Councilperson Torres made a motion to dismiss Celina Hemmeter for misconduct based on the credit card issue, motion died for lack of second.

Councilperson Williams made a motion for a vote of confidence, seconded by Councilperson Markham, motion carried with a vote of 3-2.

With no further business, the meeting was adjourned.

Mayor Eugene Spann

Celina Hemmeter, City Administrator