



CITY OF WINTERS, TEXAS  
310 S. MAIN ST. WINTERS, TX  
**REGULAR MEETING MINUTES**

September 25, 2023, 6:00 p.m.

**Call meeting to order.** A quorum was established, and the meeting was called to order at 6:35 p.m. by Mayor Mark Burkhart. In attendance were Mayor Mark Burkhart, Alderwoman Ursula Estrada, Alderman Mike Neal, City Attorney Ken Slimp and Alderman Jimmy Butler via Zoom.

Not in attendance were Alderwoman Ida Rodriguez and Alderwoman Zan Jamieson.

**Pledge of Allegiance -US and Texas Flag**

**Agenda Item 1. Community Input.** Ms. De La Cruz stated that last Tuesday about 2:30 p.m. someone dumped some puppies at her house and she is scared of dogs. She states that one of the puppies kept crying so she gave him some water and then called dispatch for the puppy to be picked up about 4:00 p.m. and was told that the dog catcher would be called. She went to Abilene and came back late and did not see the puppy so she called back early Wednesday to see if the puppy had been picked up. She was told by dispatch that the message was passed to animal control, she then called City Hall and was told that a message would be given to the animal control officer and she waited and no one came. She waited for a whole hour and the line was busy and stated that one of the ladies told her that the dog had already been picked up and she states that she told the lady that the animal control officer was lying as they puppy was still there. She states that the puppy was still at her residence and was under her car and she could not get into her car to go to her appointment and had to cancel her appointment. Ms. De La Cruz asked what she was supposed to do, call 9-1-1? Ms. Sharon Miller stated that she did right by calling dispatch. Ms. Lincoln did spoke on the topic stating that Ms. De La Cruz did call early and spoke with Ms. Patton who had misspoke when she said that the puppy had already been picked up at that time. She went on to say that Mr. Sanders had not yet been in the office that morning as he was out on other calls that were priority and did get to the puppy later that morning. Ms. Lincoln stated that she did speak with Ms. Patton about misspeaking to Ms. De La Cruz. Ms. De La Cruz did call back to the office and spoke with Ms. Miller about the puppy who about the puppy who reassured her that animal control would be by today. Ms. De La Cruz asked what she was supposed to do and how this situation was not an emergency it was explained that a puppy that she was watering, that was not vicious was not deemed an emergency and animal calls are taken based on priority.

**Agenda Item 2. Approval of Minutes** from August 28,2023 on Budget Public Hearing, Tax Rate Public Hearing and Regular Meeting. Alderman Mike Neal made a motion to approve the minutes, Alderwoman Ursula Estrada seconded the motion. All in favor, motion carried. Ayes 3, Noes 0.

**Agenda Item 3. Department Reports:**

\*City Secretary: Sheila Lincoln

Atmos Rider GCR -Rate- No discussion.

Runnels County Music for Meals. No discussion.

WCTCOG Sub-region V Meeting. No discussion.

Certification of Unopposed County and Precinct Candidates. The seat of Mayor is unopposed as is council seat for Place 3.

\* Water Department: Supervisor, Michael Blackshear. Not in attendance due to a water leak.

A. Water Usage- see report.

B. Sewer Status

C. Projects, New/ Ongoing.

\*Street Department: Supervisor, David Lara.

A. Projects – Mr. Lara stated that the seal-coat project was successfully completed and with the extra oil they had they were able to seal two extra blocks on E. Broadway.

\*Police Department: Chief Paula Geyer. Chief Geyer stated that on September 8 the PD got new in car cameras installed in vehicles and on September 28<sup>th</sup> they will be getting new computer systems (tablets and stands). On September 1<sup>st</sup> a new officer, Justin Amaro was hired; he comes with seven (7) years of experience and on October 1<sup>st</sup> a new Sgt. Will be coming to us with ten (10) years of experience leaving the PD with one open spot.

A. Statistics

\*Code Enforcement: Bobby Sanders.

A. Animal Control- Mr. Sanders went over stats with council from previous month.

B. Citation Statistics

\*City Judge: Greg Nichols.

A. Citation Statistics. Mr. Nichols states that he is working diligently to dispose of old files and will begin working more diligently on warrants, failure to appear and collections next month.

\*Airport Manager: Richard Humphrey

A. Projects- Interior of bathroom has been painted.

B. Events

**Agenda Item 4. Approval of Bills.** Alderman Mike Neal made a motion to approve the bills, Alderwoman Ursula Estrada seconded the motion. All in favor, motion carried. Ayes 3, Noes 0.

**Agenda Item 5. Council's Report:**

A. Mission, Vision, and Goal Setting. No discussion.

## **Agenda Item 6. Old Business:**

## **Agenda Item 7. New Business:**


- A. Presentation of Annual Financial and Compliance Report prepared by Merritt, McLane & Hamby.** Michael Hamby stated that the letter in back of the report has the adjustments and quite a few said *client proposed adjustments, do not post* which he believes the CPA, Sandra had made to the trial balance that they had received but that they did not need to make and made the notations as they had already been reported. In the bound report is the Independent Auditors report, page 1, paragraph 2, which is a clean, unmodified auditors' opinion. That with the letter in the back on page 46 related to controls, the one finding is that some expenditures had exceeded the budget amount. There were no expenditures that were made that were not approved. There were no cash flow issues; the finding is that there were no budget amendments made prior to expenditures. As for material weaknesses in the controls, there were none. The testing done by auditors included debt payments, capital expenditures, a sample of payroll, and a sample of everything else. In that they are looking to see that all payments are paid to proper vendor for proper amount, in payroll to ensure gross payroll amount matches to personnel files and the net payment is calculated correctly and is what is actually got paid and if there are any deductions that are not taxes or retirement that there is some sort of authorization in the file that acknowledges that is supposed to be happening; there were no problems with any of that. The financial statements on page 9 shows the most important item from the auditors' standpoint is to look at the total current assets less restricted funds and compare with current liabilities; current assets are at \$6.7 million less restricted leaving a little less than \$6 million in current assets compared to \$523,000 in current liabilities. The auditors like to see at least a 3:1 ratio and the city is over 10:1 so very good liquidity and financial position. On page 10 is the statement of activities which showed a change in net position of \$832,000 which is good. When that is positive that is a good sign. The general fund was slightly negative by \$51,000 which includes a depreciation of \$141,000 which is a non-cash item which you do not have to budget for, without that the city is to the positive and covered some of the depreciation which is good for the general fund. On page 11 the total fund balance of the general fund \$550,000 budgeted for it to be at \$630,000 but had some overages; again, expected and approved but in excess of the budget. \$550,000 is a little over three months and is adequate. The utility fund has a lot of liquidity so in total as a city the liquidity is great with the general fund being a little tighter. Michael addressed the council asking if there were any other questions, there were none. Mr. Butler thanked Merritt, McLane and Hamby for their timely response on the audit. Michael stated that the due to due from account could be easily improved with it being audited monthly by staff and CPA. Alderman Jimmy Butler made a motion to approve the audit as presented, Alderman Mike Neal seconded the motion. All in favor, motion carried. Ayes 3, Noes 0.

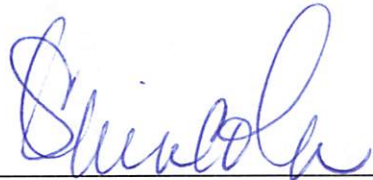
Alderman Mike Neal made a motion to take a break at 7:03 p.m. meeting was reconvened at 7:05 p.m.

- B. Consider and take possible action to approve changes to the Zoning Ordinance.** Alderman Mike Neal made a motion to approve changes to the Zoning Ordinance 14.03 Home Based Businesses/Occupations. Alderman Jimmy Butler seconded the motion, all in favor. Motion carried. Ayes 3, Noes 0
- C. Consider and take action to approve Resolution 2023-05 to adopt budget amendment for the General Fund.** Alderman Mike Neal made a motion to approve Resolution 2023-05 to adopt budget amendments to the General Fund, Alderman Jimmy Butler seconded the motion, all in favor. Motion carried. Ayes 3, Noes 0
- D. Consider and take action to approve Resolution 2023-06 to adopt budget amendment for the Waterworks Operational Fund.** Alderman Mike Neal made a motion to approve Resolution 2023-06 to adopt budget amendments for the WW Operational Fund, Alderman Jimmy Butler seconded the motion, all in favor. Motion carried. Ayes 3, Noes 0
- E. Consider and take action to approve Resolution 2023-07 to adopt budget amendment for the 2023/2024 Budget.** Alderman Mike Neal made a motion to approve Resolution 2023-07 to adopt budget amendments for the 2023/2024 budget, Alderman Jimmy Butler seconded the motion, all in favor. Motion carried. Ayes 3, Noes 0
- F. Consider and take action to repeal The Winters Code of Ordinances Article 7.700 Juvenile Curfew (adopted 06/28/93) per HB 1819 effective September 1,2023.** Alderman Mike Neal made a motion to repeal the Code of Ordinances Article 7.700 Juvenile Curfew per HB 1819, Alderman Jimmy Butler seconded the motion. All in favor, motion carried. Ayes 3, Noes 0.
- G. Consider and take action regarding Tyler Technology credit card fees.** Alderman Mike Neal made a motion to pass the charges for credit card usage on to the customer, Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried. Ayes 3, Noes 0.
- H. Executive Session Texas Government Code 551.074, Personnel Matters, Consider Candidate for City Administrator Position and Personnel Matters and Personnel Matters regarding Chief Geyer.** The council went in to executive session at 7:10 p.m.
- I. Reconvene in Open Session.** Council reconvened from executive session at 9:14 p.m.
- J. Consider and take possible action regarding Executive Session.** Alderman Mike Neal made a motion to change the position of Chief of Police pay status from non-exempt to an exempt employee. Alderman Jimmy Butler seconded the motion, all in favor. Motion Carried. Ayes 3, Noes 0.

**Agenda Item 8. Adjourn.** Alderwoman Ursula Estrada made a motion to adjourn the meeting, Alderman Mike Neal seconded. All in favor, motion carried. Meeting adjourned at 9:17 p.m.

ATTEST:

  
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Mark Burkhart, Mayor

  
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Sheila Lincoln, City Secretary

