



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

October 30, 2023, 6:00 p.m.

Call meeting to order. Mayor Burkhart called the meeting to order at 6:00 p.m. and a quorum was established. In attendance were Mayor Burkhart, Alderman Jimmy Butler, Alderman Mike Neal, Alderwoman Zan Jamieson, Alderwoman Ida Rodriguez and City Attorney Ken Slimp. Alderwoman Ursula Estrada was not in attendance.

Pledge of Allegiance -US and Texas Flag

Agenda Item 1. Community Input. NA

Agenda Item 2. Approval of Minutes from May 20,2023 (inadvertently left off previous agenda's) September 25,2023 and October 7,2023. Alderwoman Zan Jamieson made a motion to approve all minutes, Alderman Jimmy Butler seconded the motion. All in favor, motion carried. Ayes 4, Noes 0.

Agenda Item 3. Department Reports:

*City Secretary: Sheila Lincoln

Atmos Rider GCR -Rate. No discussion.

Merritt, McLane & Hamby, P.C. letter of separation. No discussion.

OT Report: Attached. No discussion.

* Water Department: Supervisor, Michael Blackshear, not present. No discussion.

A. Water Usage- see report.

B. Sewer Status

C. Projects, New/ Ongoing. TCEQ Approval of Registration Number 730454

*Street Department: Supervisor, David Lara.

A. Projects – No discussion.

*Police Department: Chief Paula Geyer, not present. No discussion.

A. Statistics

*Code Enforcement: Bobby Sanders.

- A. Animal Control. 7 dogs, 20 cats, 1 raccoon & 2 incident reports, no citations.
- B. Citation Statistics, 1 warning and 1 citation.

*City Judge: Greg Nichols. Mr. Nichols stated that he has finally sifted through the aged citations and all current citations are enforceable and will start collections on those who have not started payments.

- A. Citation Statistics.

*Airport Manager: Richard Humphrey- Virtower -Airport Operations Tracking System, information only. Mr. Humphrey not present, no discussion.

- A. Projects-
- B. Events

Agenda Item 4. Approval of Bills. Alderwoman Ida Rodriguez made a motion to pay the bills, seconded by Alderwoman Zan Jamieson. All in favor, motion carried. Ayes 4, Noes 0.

Agenda Item 5. Council's Report:

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

Agenda Item 6. Old Business: NA

Agenda Item 7. New Business:

- A. Consider and take possible action to amend Zoning Ordinance No. 14.03 regarding 14.03.02 Sec. 2. Prohibited and Permitted Home-Based Occupations or Businesses (a) Prohibited Home Occupation Uses to remove Hair Salons/ Barber Shops to give a variance to Eddie's Chop Shop located at 302 Tinkle St.**

Alderwoman Zan Jamieson made a motion to amend the Zoning Ordinance No. 14.03 and to give a variance to Eddie's Chop Shop. Alderman Jimmy Butler seconded the motion and discussion was opened. Alderman Mike Neal questioned Mr. Slimp about the term "variance", Mr. Slimp replied that the motion was to amend the ordinance and in talking about Eddie's place specifically then make the amendment to the ordinance, if talking in general about hair salons and barber shops then an ordinance amending the ordinance would be needed. Alderwoman Zan Jamieson asked if the ordinance were amended in general would there be a conflict with state requirements or would it make a difference. Alderman Mike Neal stated that not knowing the status of other potential shops could be an issue as they may not fall under the state law. Mr. Slimp stated that the Council would have to amend the ordinance to specifically exclude Eddie's Chop Shop. Resident Chirs Ozbirn questioned the Council on how they could even say anything as the business has been there longer than any of the Council. Resident Wesley Hagle put in his opinion as to how the business could comply with state regulations and still operate as is. Mr. Slimp stated that the council is addressing the location only. Alderwoman Zan Jamieson amended her motion to state that the ordinance should be amended to specifically include Eddie's Chop Shop at 302 Tinkle St. would be exempt. Resident

Josie Gonzales asked why she was told 2 years ago due to the ordinance that she could not open a salon at her home and asked how he could have his and she could not. Mr. Slimp stated that he did not tell anyone anything on that subject. Alderwoman Zan Jamieson stated that they could not speak for previous council. Eddie Rodriguez stated that his business has been established for seven (7) years on his own and was a place of business longer than that, Ms. Gonzales stated that she worked there in 1986 as her first job. Resident Chris Ozbirn stated that the place has been there longer than any council member excluding Mr. Slimp has lived here and questioned the fact that council members were saying that it could not be there. Alderwoman Zan Jamieson replied that was not the motion that was being discussed. Ms. Gonzales answered that the council were allowing “him” to stay there and questions again why no one else could have one. Alderman Mike Neal seconded the amended motion, all in favor. Motion carried. Ayes 4, Noes 0. For clarity Eddie asked what was passed and was told “he was good to go” the ordinance would be amended.

B. Consider and take possible action to approve WO No. 21 from eHT for Engineering Services for WTP Sludge Removal & Application at Dedicated Land Disposal Site.

Alderman Mike Neal made a motion to approve WO No. 21 from eHT, seconded by Alderman Jimmy Butler to open the floor for discussion. Alderman Neal asked if the WO was only for the coordination of removal and not the hauling of material. Leroy Arce with eHT confirmed, stating this would be the survey, plans and specifications, working through mid and construction phases and into completion of the project and does not include the contractors’ cost associated with the services. Contractors costs would have to go out for bid. Mr. Arce stated that the land application site has already been permitted and is the same location as last time. After discussion, all were in favor and motion carried. Ayes 4, Noes 0.

C. Consider and take possible action regarding Remaining Unused Funds from the TWDB Drinking Water State Revolving Fund Project (#62623).

Alderman Jimmy Butler made a motion to take action regarding unused funds from the TWDB drinking water state revolving fund project, Alderman Mike Neal seconded the motion. Alderwoman Zan Jamieson asked for clarity on the agenda item, Alderman Neal stated that to his understanding the city would take the funds opposed to applying them to another project due to time constraints confirmed by Leroy Arce of eHT. He stated further that it is the recommendation of eHT to take the \$30,000 which is a 2-3 month lead time for the return of funds and the city can utilize those funds any way they see fit. After discussion the motion was clarified to take the \$30,000, all in favor. Motion carried. Ayes 4, Noes 0.

D. Consider and take possible action to approve the City of Winters Investment Policy 2023-2024. Alderman Jimmy Butler made a motion to approve the City of Winters Investment Policy 2023-2024. Alderwoman Ida Rodriguez seconded the motion, opening discussion. Mr. Butler noted that the investment policy has been in place for years and is just being reaffirmed. It gives the council the ability to take excess funds and invest into CD’s Tex Pool, etc., opposed to the money sitting in the bank not earning interest. All in favor. Motion carried. Ayes 4, Noes 0.

- E. Consider and take possible action to approve Resolution 2023-08 Adoption of Investment Policy to invest in Tex Pool.** Alderman Mike Neal made a motion to adopt the resolution, seconded by Alderwoman Ida Rodriguez, opening the floor for discussion. For clarity Mr. Neal asked if this resolution just builds on the previous Policy to which Mr. Butler replied yes, it allows the city to invest in Tex Pool. No further discussion, all in favor. Motion carried. Ayes 4, Noes 0.
- F. Consider and take possible action to approve the Tax Roll Balancing Sheet.** Alderman Mike Neal made a motion to approve the Tax Roll Balancing Sheet, seconded by Alderwoman Zan Jamieson, no discussion. All in favor, motion carried. Ayes 4, Noes 0.
- G. Consider and take action to approve the reinstatement and use of Comdata Credit Cards for the city.** Alderman Mike Neal made a motion to approve the reinstatement of Comdata Credit Cards for the city, seconded by Alderman Jimmy Butler opening floor for discussion; Alderwoman Zan Jamieson asked about the previous fraud charges to which Mr. Neal replied per the email they credited it all back. Ms. Miller stated that in the time of suspension measures had been taken to find another card but was not able to as it is required to have a personal guarantor. No further discussion, all in favor, motion carried. Ayes 4, Noes 0.
- H. Consider and take action to approve the Fire Fighting Contract/Agreement with Runnels County.** Alderman Mike Neal made a motion to approve the Fire Fighting Contract/Agreement with Runnels County, seconded by Alderwoman Ida Rodriguez opening the floor for discussion. Alderman Jimmy Butler asked about the previous years fee, Ms. Miller stated she was not sure. No further discussion. All in favor, motion carried. Ayes 4, Noes 0.
- I. Consider and take possible action regarding the request from the Elm Creek Water Control District (ECWCD) pertaining to the Watershed Program.** Alderman Mike Neal made a motion to approve the request from the Elm Creek Water Control District, seconded by Alderwoman Ida Rodriguez opening the floor for discussion. Mr. Slimp explained that this is a series of flood water containment structures that started back in the 60's and ECWCD is the entity that is responsible for obtaining right of ways and upkeep. He states the original agreement was signed off on by all the public entities including the city of Winters. Elm Creek is contemplating building another damn and is asking that all of the sponsors would support that (not financially). Alderman Mike Neal restated his motion to support the ECWCD Water Shed Program at no cost to the city of Winters, seconded by Alderwoman Ida Rodriguez. Resident Chris Ozbirn asked if this would mean they are building one up above us, Mr. Slimp replied up in Taylor County, yes. Mr. Ozbirn stated that would be less water for us then, to which Mr. Slimp replied he would need to take that up with them. Mr. Ozbirn asked if they are approving this then. Alderwoman Zan Jamieson stated that they are approving that the work is done ethologically and was interrupted by Mr. Ozbirn stating that they are approving something that will make it less water for us. He stated further that if "we are without water, that is on y'all's head, that's all he is saying". No further discussion, all in favor. Motion carried. Ayes 4, Noes 0.

J. Consider and take action to approve the renewal of the Sewer Farm Land Lease agreement with Rodrick Bredemeyer.

Alderman Jimmy Butler made a motion to approve the renewal of the Sewer Farm Land Lease with Rodrick Bredemeyer, seconded by Alderwoman Ida Rodriguez opening the floor for discussion. Alderman Mike Neal asked about the increase in rate of the lease, Ms. Miller stated that in previous times it has only been renewed at the same rate but is increased with the current consumer price index as stated in the contract. Motion carried with a 3-1 vote. Ayes 3, Noes 1.

K. Consider and take action to change the Personnel Policy to grant exempt employee's compensatory time.

Alderman Jimmy Butler made a motion to postpone until first of year update to our personnel policy, seconded by Alderwoman Zan Jamieson. No discussion. All in favor, motion carried. Ayes 4, Noes 1.


L. Executive Session Texas Government Code 551.074, Personnel Matters, for City Administrator Position and contract. The Council went into Executive Session at 6:33 p.m.

M. Reconvene in Open Session. The Council reconvened in Open Session at 6:58 p.m.

N. Consider and take possible action regarding Executive Session. Alderman Jimmy Butler made a motion to accept the Employee Agreement for City Administrator, Nathaniel Smith. Seconded by Alderwoman Ida Rodriguez. Motion carried by a 3-1 vote. Ayes 3, Noes 1.


Agenda Item 8. Adjourn. Alderman Jimmy Butler made a motion to adjourn, seconded by Alderwoman Ida Rodriguez. All in favor, motion carried. Meeting adjourned at 6:59 p.m.

ATTEST:



Sheila Lincoln, City Secretary





Chris Bahlman, Mayor