

## CITY OF WINTERS



### CITY COUNCIL REGULAR MEETING MINUTES Monday, March 28, 2022, 6:00 p.m. Council Chambers, City Hall, 310 S Main, Winters, Texas

**\* NOTE: D/A on this agenda stands for Discussion/Action.**

**Call meeting to order.** Mayor Mark Burkhart called the meeting to order at 6:00 p.m.

**Quorum check.** Mayor, Mark Burkhart  
City Attorney, Ken Slimp  
Alderman, Clayton Woffenden  
Alderman, Elmer Buckelew  
Alderwoman, Ursula Estrada  
Alderwoman, Carolyn DeNigro  
Alderwoman, Sandee Schneider

**Prayer.** Acting City Secretary, Sheila Lincoln opened in prayer.

#### **Agenda Item # 1: Community input.**

There were no comments or input from the community.

#### **Agenda Item # 2: Presentation of TML Health Participation Award from Amy Calderon.**

TML Health Marketing Director, Amy Calderon, presented the city of Winters with a certificate and an etched- glass, 40-year longevity award. Ms. Calderon expressed her appreciation for the opportunity to service our city for the last four decades. Mayor Mark Burkhart accepted the award on behalf of the city.

#### **Agenda Item # 3: D/A regarding non-employees riding in city vehicles.**

Mayor Mark Burkhart stated that currently there is no policy regarding non-employees in city owned vehicles. Alderwoman Carolyn DeNigro stated that she believed that there should be a policy in place to cover the city. Mayor Burkhart gave an example of an employee taking their children to school in a city owned vehicle and an accident taking place where a child could be injured and the city being liable. Alderman Clayton Woffenden stated that even if there is no policy, the city is still open to a lawsuit if there was an accident. He asked if the WPD still did

ride-along' s, to which Chief Geyer answered yes. Alderman Clayton Woffenden stated that he advises against taking children to school in city vehicles as the city opens itself to potential lawsuits. Chief Geyer says she doesn't know how that is possible because if she takes her kids to school, which she does every day as she is on call when they go to school, if she gets in a wreck she knows that the city is not liable. To which, Alderman Clayton Woffenden stated that not everyone thinks like that. Chief Geyer states that for the six in her department, the city is not liable (if anything were to happen to non-employees) that it was a hassle to switch out vehicles when she is on duty. Billy Sherman asked about the VFD riding in vehicles when on duty; the VFD is covered under the city, however, Alderman Clayton Woffenden asked about children riding on the fire trucks for parades and such. Judge Richard Humphrey asked about a release which would hold the city blameless should such an event occur, to which Mayor Mark Burkhart stated that he believed it would be hard to defend in court and encouraged employees to use their best judgement. No motions or actions were taken on this agenda item.

**Agenda Item # 4: D/A regarding the Redistricting Engagement Agreement with Bickerstaff Heath Delgado Acosta LLP.**

Bickerstaff Heath Delgado Acosta LLP provided an engagement agreement for the redistricting for the city of Winters following the 2020 Census. The initial set-up fee is \$4,500 thereafter, fees will be based on an hourly rate. If the city were to not redistrict, it could potentially violate the one-person/one-vote standard, thus potentially being subject to legal action. Alderwoman Sandee Schneider made a motion to execute the engagement agreement. Alderman Elmer Buckelew seconded the motion, all in favor. Motion carried.

**Agenda Item # 5: D/A regarding raising the current water tap rates.**

Water supervisor, Michael Blackshear, stated that currently the city is charging a flat rate of \$200.00 for a new meter tap; the current cost to the city for parts, labor and equipment is around \$1500 for a ¾" and \$1,500 for a 2" plus the cost of the meter. Alderwoman Sandee Schneider asked if this pertained to existing meters to which Mr. Blackshear answered that it would be for new houses and new buildings and that it only pertains to old houses/properties if the existing pipe is lead. Mr. Blackshear states that he had quoted the current price to a couple of people and asked if he should honor that or if we would charge the increased price, Mayor Burkhart stated that the city should honor what has been quoted. Alderwoman Sandee Schneider made a motion to raise the meter tap charge to \$1,500 for ¾" and to \$1,500 plus the cost of the meter for a 2", effective immediately. Alderman Elmer Buckelew seconded the motion, all in favor. Motion carried.

**Agenda Item # 6: D/A regarding vendor permit's, rates, requirements.**

This discussion came about after the Main Street Market Days group posted on their Facebook page that there would be a \$50 vendor fee for the Runnels County Film Festival being held at the city park. City Hall received several calls from citizens asking why the city was charging for vendors at the park and where that money was going/who is getting the money; each caller was told that the city does not currently charge a vendor fee and the city will not be receiving any of the funds collected. Mayor Burkhart stated the city is incurring the cost of vendors parking on

Main Street for Market Days; he also stated that the city is assuming the liability if there were to be an accident of any kind. This discussion was opened to decide if the city should require permits for vendors who set up here and if decided so, what would be required of them. Alderman Clayton Woffenden stated that in every city he is aware of, a permit is required for vendors. Mayor Burkhart discussed the application presented as an example, which included the application fee, permit fees, requirements such as: a copy of the state sales certificate, food manager's certificate, drivers license or other acceptable state approved identification and proof of insurance, etc. Billy Sherman of the street department stated that some cities charge one price if a vendor uses the city's electricity and another price if they do not. He stated further that on Market Days the vendors have been running multi-strips into each one of the GFCI plugs causing the breakers to trip. He states that once they have been tripped so many times, they must be replaced at the cost of \$30 or more each at the cost of the city and the last time they had to be replaced it was 8-10 of them at one time. Alderwoman Sandee Schneider asked who was responsible if a vendor overloaded the outlet and caused a fire, causing damage to which the answer currently, is that the city would be liable. Neighboring cities require that each vendor show proof of their insurance and in speaking to the city's insurance provider, the agent said each vendor would have to show proof of insurability, evidence of generally liability and show the city as additional insured. Attorney Kenneth Slimp agreed with the agent's statement. Alderman Clayton Woffenden stated that he believes all vendors should meet the same requirements and should be charged a fee to offset the cost to the city. The question arose regarding fund raising for non-profits such as church bake sales, school groups, or anyone with a 501(c) (3); specifics would be outlined in an ordinance drafted by the city attorney and later presented for approval by the council. After a lengthy discussion, Alderwoman Ursula Estrada made a motion to move forward with requiring vendor permits, rates and requirements with a rate of \$35/day or \$125/year, with a \$5 application fee per vendor and for the city to adopt an ordinance written by the city attorney at a later date. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

**Agenda Item # 7: D/A regarding the approval of Tyler Technologies quote for Credit Card, IVR and Online Payments.**

Mayor Burkhart opened the topic regarding the quote for credit card, IVR and online payments for the city. The city currently uses Tyler Technologies software and the credit card software and hardware listed in the quote is compatible and should be a smooth integration. The quote from Tyler Technologies would include a 3% or \$2.50 minimum convenience fee, an IVR charge of \$1.25 to customers (subject to change), and annual fees of \$519/year to the city for the service as well as a \$10 gateway fee and a \$180/year fee for PCI compliance. The quote presented is for the purchase of the terminal not a lease. the initial cost to the city would be \$1500-\$2000 depending on the lease agreement price vs. a purchase price. City employees would not have access to credit card, debit card or banking information and would not be stored by the city; all checks by phone and online payments are handled by Tyler Technologies and are credited to customers accounts. All installation and training are included in the quote. Alderwoman Sandee Schneider made a motion to accept the quote from Tyler Technologies to accept credit cards and online payments with the lease option and an initial convenience change of 3% and an IVR charge of \$1.25. Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried.

**Agenda Item # 8: Monthly Reports: For March 2022.**

- A. City Hall Monthly Report.
- B. Street Department Monthly Report- Street Department Supervisor, David Lara: No Report.
- C. Animal Control/Code Enforcement Monthly Report
- D. Chief of Police Monthly Report- Chief Geyer: Chief Geyer stated they are not doing animal control unless the animal is aggressive. In addition, TCEQ has approved the opening of the monofil application.
- E. Water Works Monthly Report- Michael Blackshear: No Reports.
- F. Municipal Judge Monthly Report- Judge R. Humphrey gave an update of two hundred ninety plus violations for the year.

**Agenda Item # 9: Consent Items:**

**A. Approval of Bills.**

Alderwoman Ursula Estrada made a motion to approve the bills. Alderwoman Sandee Schneider seconded the motion, all in favor. Motion carried.

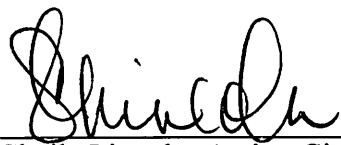
**B. Approval of Minutes from February 28,2022.**

Alderwoman Ursula Estrada made a motion to approve the minutes from February 28, 2022. Alderman Elmer Buckelew seconded the motion, all in favor. Motion carried.

**Agenda Item # 13: Adjourn meeting.**

Alderwoman Sandee Schneider made a motion to adjourn the meeting. Alderwoman Ursula Estrada seconded, all in favor. Motion carried. Meeting adjourned at 7:45 p.m.

  
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Mark Burkhart, Mayor

Attest:   
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Sheila Lincoln, Acting City Secretary



# Council Meeting Sign In

Date 3/28/2022

Name	Contact Information
Richard D'Angelo	
Billy Sherman	
Linda Huckaby	
David Lara Jr	
Amy Calderon - TML Health	
RICHARD HUMPHREY	JUDGE
Sharon Miller	