



City of Winters
City Council Regular Meeting Minutes
Council Chambers, City Hall, 310 S. Main, Winters, TX.
Monday, May 23, 2022, 6:00 p.m.

*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.

Present: Mayor Mark Burkhart

Attorney Ken Slimp

Aldерwoman Sandee Schneider

Aldерwoman Carolyn DeNigro

Aldерwoman Ursula Estrada

Absent: Alderman Clayton Woffenden

Alderman Elmer Buckelew

Pledge of Allegiance and Prayer. Mayor Mark Burkhart led the Pledge of Allegiance and Acting City Secretary, Sheila Lincoln opened in prayer.

Agenda Item # 1. Community input.

Mayor Burkhart opened the meeting to community members who wished to speak, reminding them of the three-minute time limit and to be respectful of one another.

Ms. Kati Davenport, co-founder and president of Big Baby Animal Rescue, Inc. addressed the council and mayor stating that she has had success in the four months since she “volunteered” with the city and developed her rescue, as in that time there have been no dogs euthanized. She states further that as of tomorrow morning, they will have rescued fifty-one dogs; most rescues are transported to Canada. Big Baby Animal Rescue provides a list of services for the animals they rescue. Ms. Davenport states again that they have had great success working with the city and is speaking tonight particularly because they no longer have access to the shelter, and they do not understand why; adding that she cannot continue to rescue dogs if they do not have access to the shelter. She reiterated the success of the city and her shelter working together and is asking that their access to the shelter be reinstated. Ms. Davenport provided a copy of the Articles of Incorporation for Big Baby Animal Rescue, Inc.

Ms. Alice Yvonne Burson addressed the mayor and council stating that she is perplexed and is seeking guidance regarding the conduct of members of the Winters Police Department and how she should proceed with her complaints. She states that on July 16, 2021, at 10:31 p.m. she placed a call to the Runnels County Dispatch after coming home and finding her front doorknob damaged, she has pictures and the call log for RCD which are time and date stamped. She informed dispatch that they needed an officer as it appeared someone attempted to break in her home. Officer Ernest Juarez responded, looked at doorknob, helped them put the doorknob back in, allowing them to enter their residence. Ms. Burson states they did not touch anything in case fingerprints were taken, but they were not. Officer Juarez walked around the side of the house with his flashlight but did not see and asked if anything was missing to which they answered, "it doesn't look like it." Ms. Burson states the Officer Juarez stated that he would note for other officers to note for their patrols. She stated that she needed this report for their landlord as their contract requires any damages be reported. At that time she stated she had total faith in the police department and that things would be handled correctly but then it had come to her attention that Officer Juarez had stated to at least three people that he was mad because he had a call from Xylephanie Blackshear, her daughter, at their residence that someone had broken in, that the doorknob was broken and that she had thought Jonathan, her abusive ex, had broken in and that he (Officer Juarez) was telling people that he was tired of getting calls about stupid stuff from Xylephanie like the window someone tried breaking in because he knew it was them doing it and he was not going to make reports about it. Ms. Burson states that they never reported the window to dispatch or police but when the doorknob incident happened, they feared for the safety of the family. On Wednesday, May 11, 2022 she requested a copy of the police report from July 16, 2021 while her daughter was there on a complaint of harassment by Officer Juarez and terroristic threats and harassment by Officer Juarez' sister to which Chief Geyer stated as quoted by Ms. Burson; "I needed to request a form at City Hall to get the report and then he has ten days to get it to me." I told her quote: "so he can back track." She stated "no, once it is dated our system does not allow that, if he opens a report now it is dated 2022, it cannot be predated. So if it happened 2021 it would have to find a 2021, you understand?" Ms. Burson stated she received a copy of the incident report in the mail he has the wrong date and time of response in his narrative, so this is why she brought it before the council as proof that Officer Juarez has been harassing her daughter long before the Facebook Incident. With statements like they are making these incidents up for attention and his report being false has led her to lose faith in the Winters Police Department. For officers not to respect their supervisors, their chief, and not adhere to what she tells them to do; "case in point, Chief Geyer stated she had him take down his comments about her daughter, Xylephanie Blackshear at noon 5/11/22 about those lying, drug and alcohol while pregnant comments and orangutang pictures and Oompa Loompa photo referencing her are all still on there. I have screen shots that someone else took today with today's date and they are still up which Chief Geyer said she had him removed and they were down; so he violated police operational policy found in Section 1-4; it would be interesting to see the briefing book from July 16, 2021. The briefing book operational policy 1-5, if he actually requested extra patrols for our residence at the time we feared someone was trying to break in. *Operational policy 3-11 states all members of the department shall regulate their personal affairs as to not to bring justified unfavorable criticism or gossip from their neighbors or other citizens or be personally involved in disturbances or other police incidents to their discredit.* In

conclusion, our safety should not be considered a joke, or the girl who cried wolf. I've lived here most of my life, I raised my children here and my daughter is raising my grandchildren here, we are taxpayers and this attitude by a paid public service should not and will not suffice. I do not know what to do when it has been reported to Chief Geyer and the employee is wrong. I am at a loss."

Ms. Lori Juarez, sister of Officer Ernest Juarez, referenced the Facebook post stating that Xylephanie jumped in a conversation which was not directed to her and had nothing to do with her. Her brother did not represent himself as a police department official she notes but she does want to address the harassment by Stephanie and Xylephanie. She adds further that she does not know Xylephanie and notes that she was not even in the room tonight. Ms. Juarez continues to say her brother has been stalked and harassed by both women and it is evident as the photos from Facebook are from Heather's page which was a private conversation where she (Xylephanie) got her feelings hurt because someone did not like her. Secondly, when they jump on, and my brother being a protected Veteran and a Police Officer; what these men go through they do not deserve for the people that they do serve and protect to turn around and put things on Facebook such as him being an alcoholic, he has PTSD, he's going to rehab on the taxpayer dime because first of all none of that is true. Her brother went to Iraq she added, he fought for everybody's freedom that is here not one dime of taxpayer funds paid for him to go to rehab. Whether or not he has been to rehab or not is not public information and is a huge violation of HIPAA rights and nobody can do that to him. She states again that he is a protected Veteran and is covered under the ADA and this all stems from an angry ex, he came to Winters to get away from that. Ms. Juarez says that now a year later, here sits a woman who wants a report from a year ago and directly asks Ms. Burson why now? The mayor interrupted, asking Ms. Juarez to direct all comments or questions to the council; she then directs the question to the mayor and council and asks if it is not because Xylephanie injected herself into a private conversation that had nothing to do with her.

No other community input.

Agenda Item # 2. D/A regarding the rezoning of the NW corner of the city, encompassing Roberts St. west to Armbrecht St., south to Quannah St., east to N. Arlington, and north to Roberts St. from Single Family Residential to Single Family /Manufactured Home Residential.

Per City Attorney, Ken Slimp, this item should be tabled in order to look at Zoning Board Ordinances.

Agenda Item # 3. D/A regarding the convenience center hours to better accommodate the working person.

According to the minutes from Monday, June 24, 2019; the convenience center hours were to be supervised and only available to the citizens on Monday's from 1 p.m. to 5 p.m. City Hall staff currently signs out the key to citizens who live here and who have an active account with the city. The key is given out from 8 a.m. -4:30 p.m. and on Friday's from 8 a.m.- 11 a.m.; however, these hours do not well accommodate persons who work a M-F 8- 5 job. A possible solution suggested by Acting City Secretary, Sheila Lincoln, for this would be to allow persons to utilize the convenience center every other Saturday from 8 a.m. – noon in addition to the current key schedule of M-Thursday, 8 a.m. -4:30 p.m. and Friday 8 a.m. -11:00 a.m. Staff from the Street Department would oversee operating hours for Saturday's. Street Department Supervisor, David Lara would schedule so that his department would not log too many overtime hours, if any. Alderwoman Ursula Estrada made a motion to change the convenience center hours to the current operating hours of City Hall and every other Saturday effective June 1, 2022 (making the first operating day June 4, 2022). Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

Agenda Item # 4. D/A regarding the terms for the lease agreement/rental agreement for the house located at 108 E. Broadway to Sharon Miller.

Attorney Ken Slimp explained to Council that he had created a blanket lease/rental agreement that can be used for future agreements as well but would need to fill in the blanks regarding length of agreement, amount for rent, deposits, etc. After discussion among the council regarding these things, Alderwoman Sandee Schneider made a motion to execute the rental agreement with the following terms: a deposit of \$200, rent at \$400, only 2 adults will live in the home as that is Ms. Millers family size, no pets, a late fee of \$25 after 10 days of rent being due, house must stay clean and in tact and any repairs up to \$500 would be the responsibility of the renter. In the event that something major broke, i.e., the central air unit or plumbing, the city would incur the cost in excess of \$500. The rental agreement will be effective beginning July 1, 2022 and will be a six-month term running through December 31, 2022. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried.

Agenda Item # 5. Discussion regarding the concession stand belonging to the city.

Alderwoman Carolyn DeNigro stated that if the concession stand located at the ball fields near the city park belongs to the city something needs to be done with it as it appears to be in disrepair and has been boarded up for quite some time. Alderwoman Ursula Estrada asked if it belonged to the city to which the answer is that it does. Mayor Burkhart asked if it was worth repairing and states that Nan Miller had inquired about using it for the softball/baseball/t-ball leagues. Mayor Burkhart and the council agreed to assess the concession stand and get some quotes for repairs.

Agenda Item # 6. Monthly Reports for April 2022.

- A. City Hall Reports.** Acting City Secretary, Sheila Lincoln reported that the auditor's have left and will be finishing up from their office. Comptroller's reports for the Municipal Court have been caught up and submitted; \$24,412.76 in Criminal Costs and Fees and \$942.88 in Child Safety Seat costs were paid. In addition, the rumor that the city had received \$5,000 from the Critter Shack for the shelter is false. Sharon from the Critter Shack states that she does not know where that rumor came from but that they had only donated services in the way of spaying and neutering, used toys and some blankets and such to Kati Davenport and her Rescue which totaled less than \$500.
- B. Street Department.** Street Supervisor, David Lara stated that the city generally seal coats 26,000 yards each year this year we will do 13,000 due to the increase in cost of materials which have almost doubled since last year. He also asked what could be done about people dumping things on the ground and not in the containers at the convenience center; stating that there used to be camera's set up there.
- C. Animal Control/Code Enforcement.** No report. Not present.
- D. Chief of Police.** No report. Not present.
- E. Waterworks.** Sharon Miller reported that we are still hiring lifeguards for the pool and if we do not get enough the pool may not open. No other reports.
- F. Municipal Judge.** Judge Humphrey stated that the State Comptroller audit that he requested will be the week of June 21, 2022. He stated again that TXDOT will seal the cracks on the taxiway, parking apron and sealcoat.

Agenda Item # 7. Consent Items:

- A. Approval of Bills. Including an invoice for the water department to Metropolitan Compounds in the amount of \$6,417.37.**

Alderwoman Carolyn DeNigro made a motion to pay the bills. Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried.

- B. Approval of Minutes from April 25, 2022.**

Alderwoman Sandee Schneider made a motion to approve the minutes from April 25, 2022. Alderwoman Ursula Estrada seconded the motion, all in favor. Motion carried.

Agenda Item # 8. Adjourn meeting.

Alderwoman Ursula Estrada made a motion to adjourn the meeting. Alderwoman Carolyn DeNigro seconded the motion, all in favor. Motion carried. Meeting adjourned at 6:48 p.m.



Mayor, Mark Burkhart

Attest:



Acting City Secretary
Sheila Lincoln



