



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

March 25, 2024, 6:00 p.m.

Call meeting to order. Mayor Chris Bahlman called the meeting to order at 6:00 p.m. in attendance were Alderwoman Ida Rodriguez, Alderwoman Ursula Estrada, Alderman Wesley Hagle, Alderman Mike Neal, Alderman Jimmy Butler and City Attorney Kenneth Slimp.

Pledge of Allegiance -US and Texas Flag

Agenda Item 1. Community Input. Mr. James Thompson who has lived on Loop 438 since 2014 and his home is near the city's lift station and he has learned over the years that if he looks out and sees the light flashing he knows that he cannot use his restroom. He states that he has been keeping up with the lift station issue as it has backed up into his house some fifteen (15) times; he has had to replace carpet and address The Council over the issue and he is asking if the city staff and current council are aware of the problem and if they are aware that the EPA has a video on their website for poorly designed/managed systems. He is also asking that the city follows Jesus' example and "leave the ninety-nine (99)" and take care of the two (2)- he and his neighbor. He states further that he is frustrated and there has to be a proactive solution, not a reactive one.

Mr. John Lentz addressed The Council stating that he has received letters from the city regarding breaking City Ordinances and states he has a business license for his address. He stated that he has cleaned the vehicles that he is working on out of the city street and he wants to operate legally and cooperate with the city. He apologized for the mess and stated that his business is taxed separately from his house.

Mr. Francisco Robles stated that he did not see his name or anything regarding his home-based business on the agenda. City Administrator Nate Smith stated that Agenda Item J. is discussing the Zoning Ordinance as a whole and depending on if The Council's decision whether or not he would even need to be on there.

Agenda Item 2. Approval of Minutes from February 26, 2024. Alderman Mike Neal made a motion to approve the minutes from February 26th, seconded by Alderwoman Ida Rodriguez. All in favor, motion carried. Ayes 5, Noes 0.

Agenda Item 3. Department Reports:

- **City Administrator: Nate Smith**

- A. City Administrator Report-. Mr. Smith states that Everbridge implementation is moving along well and the citizen sign-up portal should be up this week with testing starting next month. Mr. Smith stated that the TRWA (TX Rural Water Association) would be in Wednesday to do an assessment. He has a meeting with eHT and Sentigro to look at the sludge report, and hopefully work will begin the first week of April. In his report Mr. Smith stated further that eHT and the Texas Water Development Board invited the city to apply for the lead service line replacement grant project. It is a 51% loan forgiveness and 49% loan; our project is \$266,000; the lead line inventory is mandated. Mr. Smith stated that he had met with Ms. Lincycomb and eHT last month regarding the Circle Drive drainage issue. The first thing needed is to get storm water easements two (2) of four (4) who he had sent letters to agreed to give the city easements voluntarily.
- B. Sales Tax graphics. Mr. Smith stated that sales tax for the month of March is up 15.46% over last year and is tracking well with half of the fiscal year completed we're at 54% of budgeted sales tax. In addition, the General Fund and Waterworks funds are both tracking well.

- **City Secretary: Sheila Lincoln**

- A. Atmos Rider GCR -Rate Filing. No discussion.
- B. Follow up letter from Elm Creek Water Control District (ECWCD). No discussion.
Ms. Lincoln stated that the city is now using fiber internet and will be saving a few hundred dollars a month across all departments.

- **Water Department: Supervisor, Michael Blackshear.** Not present.

- A. Water Usage- Water Usage & Lake Report.
- B. Sewer Status
- C. Projects, New/ Ongoing.

- **Street Department: Supervisor, David Lara**

- A. Projects. NA, no discussion.

- **Police Department: Chief Paula Geyer.**

- A. Statistics- Report attached. Chief Geyer stated her department is fully staffed after six months.

- **Code Enforcement: Bobby Sanders.**

- A. Animal Control. Mr. Sanders stated he had picked up four (4) dogs, four (4) cats and one (1) skunk and four (4) incident reports.
- B. Citation Statistics. Mr. Sanders stated there were twenty-seven (27) prohibited conditions, one (1) junked vehicle, five (5) substandard buildings and four (4) citations.

- **City Judge: Greg Nichols.**

A. Citation Statistics. Mr. Nichols stated there were fourteen (14) new violations and completed eighteen (18) for the month. Fines collected were \$2098 and \$1824 in fees. He also added fourteen (14) more violations to MVBA for collections as soon as they hit sixty-one (61) days old he sends them. He stated he would be at the Judges Seminar in Lubbock April 23-25th.

- **Airport Manager: Richard Humphrey**

A. Projects. Mr. Humphrey stated he is going out for bids for the crack sealing of the airport, where a seal coat will be done on top. Then they will paint and stripe the runway in accordance with TXDOT and FAA rules that have been done in some time. This should get the airport in pretty good shape and next year he plans on the same amount of money which is 90/10 money. With next year's money he would like to address the lighting.

B. Events. NA.

Agenda Item 4. Approval of Bills including Eagle Labs invoice no. 37841 and Christina Davis Consulting, LLC invoice no. 2329. Alderwoman Ida Rodriguez made a motion to approve the bills. Alderman Mike Neal asked why the invoice for Christina Davis was on for approval, Ms. Lincoln answered that the bill has been emailed more than once for payment. Alderman Neal asked if it would not be paid in next month's bills, Ms. Lincoln replied yes, normally but with the repeated submission of the invoice and with Mr. Smith saying to pay it, it was put on for approval. Alderman Neal stated that we do not preapprove and made a motion to pay that invoice next month. The amendment was seconded by Alderman Jimmy Butler, all in favor. Motion passed. Ayes 5, Noes 0.

Agenda Item 5. Council's Report:

A. Mission, Vision, and Goal Setting.

Agenda Item 6. Old Business: N/A.

Agenda Item 7. New Business:

A. Discussion and possible action to approve Ordinance No. 2024-02, amending the City of Winters Code of Ordinances, Chapter 3 Building Regulations. Mr. Smith stated that the inspector from Bureau Veritas had suggested lowering the IBC Standards from the 2023 to 2020 version as it is more uniform and less restrictive, in addition to adopt the 2021 IEC. Alderman Jimmy Butler made a motion to approve Ordinance No. 2024-02, seconded by Alderwoman Ida Rodriguez. All in favor, motion carried. Ayes 5, Noes 0.

B. Discussion and possible action regarding notice from the Public Utility Commission 2024 Consumer Price Index (CPI) Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates. Mr. Smith stated that annually the PUC asks cities what they want to do regarding their

Telecommunications Right-Of-Way Access Line Rates; this year the rates have increased by 2.2484% due to inflation as measured by the CPI (Consumer Price Index). The city can take no action or deny; Mr. Smith suggests to take no action. No action taken.

- C. Discussion and possible action on Resolution 2024-12, a resolution to suspend AEP's requested rate change.** Mr. Smith stated that the AEP's suggestion is attached; legal counsel, Thomas Brocato, suggested to suspend AEP's request and allow the firm to act on behalf of the city at no cost. He states that around seventy other cities have already joined with the firm Mr. Smith recommends approving the Resolution 2024-12 to suspend the requested rate change and let the attorneys handle this matter. Alderman Jimmy Butler asked if this would come back up, Mr. Smith stated that it would, possibly as a settlement or to deny. Alderman Jimmy Butler made a motion to approve Resolution 2024-12 to suspend AEP's requested rate change, seconded by Alderman Wesley Hagle. All in favor, motion carried. Ayes 5, Noes 0.
- D. Discussion and possible action on moving forward with City Logo.** Mr. Smith stated that an online poll was created after recommendation of the council at last month's meeting as well as in person polling at City Hall. There were 565 responses, the "home-plate" look received the most votes and with a couple of changes was the obvious winner. Alderman Mike Neal made a motion to approve the "home plate" number 2 (which includes the changes), Alderman Wesley Hagle seconded the motion. All in favor, motion carried. Ayes 5, Noes 0.
- E. Discussion and possible action on additional purchase request for filter rehabilitation project.** Mr. Smith reminded the council that they had approved the purchase of some valves for backwashing the filters at the water plant. Upon installation of valve, one of the flanges at the valve was welded to the filter housing on these flanges their adapters are expandable and retractable making it easier to get the backwash valves on the remaining two (2) filters. The replacement on the first one took a couple of days with grinding and sanding. Alderman Hagle asked if this was the last one to be replaced, Mr. Smith answered yes for this fiscal year. He stated that the plan is to present the remaining three (3) next year for replacement. Alderman Butler asked if this would have the three up and running; Mr. Smith stated that all of the filters are running this would replace the backwash valves. Alderwoman Ida Rodriguez made a motion to approve the addition purchase request for filter rehabilitation project, seconded by Alderwoman Ursula Estrada. All in favor, motion carried. Ayes 5, Noes 0.
- F. Discussion and possible action on raw water pump options.** Mr. Smith stated that last year council had approved the replacement of the raw water pump; the decision that was not decided was to either purchase new or refurbished pumps for the lake. The reason being that eHT first wanted to pull one of the pumps to see what state the pump was in, that has been done and the report is in the packet. The cost of refurbishing all three (3) pumps is \$58,029.87 with the cost of new being \$83,736.76. the lead times on both options is about the same, four (4) to seven (7) weeks and the warranty for new pumps is for twelve (12) months. It is the recommendation of eHT

and Mr. Smith that the city purchase the new pumps. Alderman Wesley Hagle asked if the life expectancy of the new is longer than the refurbished, Alderman Neal stated that if you read the article they are about the same. Alderman Jimmy Butler made a motion to purchase the new pumps, seconded by Alderwoman Ida Rodriguez. Motion carried. Ayes 4, Noes 1 (Alderman Neal).

- G. Discussion and possible action on City Hall roof repairs.** Mr. Smith reminded the council that he was instructed at an earlier meeting to get quotations for roof repairs, he got three (3) contractors to submit. Fat Matt would do a metal roof for \$45,153; Bunton Roofing proposed a TPO (thermal plastic overlay) for \$32,385; and Booe Commercial Roofing provided three (3) different options, one involving a rubber-type coating with a 15–20-year life. Based on the information provided Mr. Smith believes the rubber roof system would be best value. Alderman Hagle asked if the rubber roof would be a spray on and if they would fix the drip edges. Mr. Smith replied that it is a spray on. Alderman Wesley Hagle made a motion to approve the quote from Booe Commercial Roofing, the 20-year rubber roofing in the amount of \$33,385, seconded by Alderman Mike Neal. All in favor, motion carried. Ayes 5, Noes 0.
- H. Discussion and possible action on approving amended Employment Agreement for City Administrator, Nate Smith.** Alderman Jimmy Butler stated that when they were in negotiations with Nate the relocation expenses were discussed and if he would live within the city limits; at that time, they agreed to leave the agreement as it was and when the time came it would be discussed. Mr. Smith has relocated and is just outside the city limits. Alderman Mike Neal made a motion to approve the amended employment agreement for City Administrator, Nate Smith, seconded by Alderwoman Ursula Estrada. All in favor, motion carried. Ayes 5, Noes 0.
- I. Discussion and possible action on vendor fees.** Mr. Smith referred this agenda item to Alderman Wesley Hagle as he requested it. Alderman Hagle stated he was not sure who had created the flyer presented to council regarding vendor fees being charged by Main Street Market Days back in 2022; he stated he would have to get with them regarding this as he was not aware of the situation. He stated further that they are trying to bring back Main Street Market Days, but the fee is a deterrent. He is asking that the fee down so that vendors can try and bring in revenue for the city. He stated that there has been a significant change since the vendor fee has been imposed but stated further that “that can’t be done” referring to Main Street Market Days flyer charging a vendor fee when trying to change the city ordinance on vendor fees; Main Street Market Days cannot be charging vendor fees if the city is not. Alderman Neal asked what the outcome Mr. Hagle was looking for, Alderman Hagle replied “to remove the vendor fees completely where we can either”...Alderman Jimmy Butler asked if he was wanting this on a daily basis or for special events. Mr. Smith reminded the council that if the council decided to make changes the Ordinance would have to be presented at a later meeting for the change to take place. Alderman Butler stated that in the past there were different city fees and which ever group was

hosting the event would come to the city council meetings and request a variance for that particular event and he cannot remember a time when the city did not grant it. Mayor Bahlman stated that it had been one time a year, Alderman Butler agreed. Alderman Hagle stated the Market Days was happening once a month and if it is only going to be forgiven once a year he doesn't think that would bring in much. He would like to see it once a month instead; "we are trying to bring in more people, more events other than once a year." Mr. Richard Humphrey asked if this would give the vendor the exclusive to the city, would vendors have to go through Main Street Market days or is it only for the vendors that are approved. Alderman Hagle replied he was talking about the vendors that are approved. Mr. Humphrey replied that Alderman Hagle has been talking specifically about Main Street and asked if that is where it would be held all of the time. Alderman Hagle replied, "not necessarily, no. It could be held at the park." Mr. Humphrey stated that vendors currently pay the fee now. Alderman Hagle reiterated that he was unaware that Main Street had charged a fee but that the city does charge. Mayor Bahlman asked how much the current fees are, Ms. Lincoln replied that non-food vendors pay \$50/year or \$15/day while food vendors pay \$125/year or \$35/day and both pay a \$5 application fee. Ms. Lincoln also pointed out that one of the issues in the past with the use of the park was that city facilities had been rented out such as the Community Center and the Swimming Pool and there was no communication or working with the city by the host to see if parking was available. The host also advised vendors that they could use the restrooms at the Community Center which was rented by individuals who were upset that people not of their party was coming in and out at their leisure, that they had no place to park and it was not appreciated. Others were asking the city what we were doing with the vendor fees being charged; at the time the city was not charging. Alderman Neal stated that it does not sound like the fee is the issue here but rather the lack of communication, Ms. Lincoln agreed. Mayor Bahlman asked what the goal of Main Street Market Days is, Ms. Lincoln replied that to her understanding this was Alderman Hagle's agenda not necessarily that of Main Street Market Days. Alderman Hagle stated before this (referring to the fees that were charged by Main Street) he wanted to see about charging no fees, but he needs to figure out what was/is going on there. He would also like to figure out the one time a year thing as well. Alderman Mike Neal asked what the fee accomplished, Ms. Lincoln replied that previously when vendors set up-downtown they would overload the poles and blow the receptacles according to the Street Department that had to replace them each time. Mr. Smith asked if vendors set up on the weekend does he have to bring someone in and pay overtime for enforcement for permit checks. He suggested that communication problems be ironed out. Ms. Lincoln asked Alderman Hagle if he was speaking on behalf of Main Street Market Days or for himself or in general as he is a vendor. He answered on behalf of himself and in general, not Main Street Market Days. Alderwoman Ida Rodriguez stated that our fees are comparable to other towns and does not think that our fees unheard of. No action taken.

J. Discussion and possible action on Zoning Ordinance No. 14.03 regarding Home Based Businesses.

Mr. Smith stated that this is another request by Alderman Hagle and states there are different schools of thought as some neighbors agree while others do not and want their neighborhoods kept to residents only. Last year there was a variance granted for a long-time existing barber shop; Mr. Robles has requested a variance for his home gym. He referred the discussion to Alderman Wesley Hagle. Alderman Hagle said that opposed to the ordinance stating forbidden it should read permitted so that the city still has control of what is approved. He stated it could still be a business regulated by the state, regulated by federal government and the like and have a legal business as long as it is permitted by the city but with the city forbidding certain businesses we are hindering someone from making a living. He states he is basically just trying to change the wording from forbidden to permitted and/or regulated by the city. City Attorney Ken Slimp said that the city can do it that way but would have to be a lot more definitive when you are talking about the city regulating it. Mr. Smith stated that other cities have stated that the spirit of the partnership between the city and home-based businesses should be the goal. He stated that some cities are more restrictive than others. He stated that any changes would need to be discussed with Planning and Zoning. Alderman Hagle asked why a state regulation couldn't be pulled on one of these businesses. Mr. Smith replied that the state doesn't have parking requirements or signage rules for residential neighborhoods, nor do they have input from the neighbors that would be affected but the city does. Alderman Hagle again stated that some of the prohibited home-based businesses are state regulated and again asked why that would not work. Mr. Smith stated that state regulations deal with environmental, but the zoning ordinance addresses the definition of the development of the neighborhood and the desires of the neighbors. He used the example that auto repair is state regulated, but neighbors have expressed not wanting this in their neighborhood. Alderman Jimmy Butler asked if Mr. Smith was saying that state regulations that Alderman Hagle is referring to are more for health and safety and licensing. City Attorney Slimp stated that the city would have to come up with definition and what is expected for regulations and states that there is some listed in there already. Ms. Lincoln stated that it needs to be written where Code Enforcement could have teeth to enforce it. Alderman Hagle stated the city did not have a Health Department, to which Ms. Lincoln replied she was not talking about Health Code but rather complaints of parking, noise, influx of traffic, those sorts of things as City Hall does get the calls regarding these things. Mr. Slimp asked Alderman Hagle if he was saying that if the fifteen (15) items were taken out that the city would have to monitor to see if it fits into the regulations already stated in the ordinance. Alderman Hagle replied "pretty much" and just reword to say permitted and regulated and not forbid someone who is doing business legitimately and following the rules then why stop them. Alderman Butler replied because if it is a menace in the community, Alderman Hagle interrupted and said that is what he is talking about; if they are abiding by the law why are we stopping them. Mr. Smith stated that his worry is that all neighbors have the opportunity to voice their opinions. Judge Nichols stated that he thinks the whole thing needs to be rewritten. Alderman Hagle repeated that if they are abiding by the law and are a sole proprietorship why stop them? Alderman Mike Neal asked

if there were any in violation that he knew of to which Alderman Hagle replied “probably, yes.” Alderman Neal stated there are businesses that are undesirable to neighborhoods and states he moves forward should be done with caution. Alderwoman Ursula Estrada asked if there is a particular business that is being affected by this or is this case-by-case. Alderman Hagle stated that in general he doesn’t like the term forbidden and as long as they are legal through the city; but states there were two (2) people in the room that have home-based businesses that are being affected. Ms. Lincoln asked Alderman Hagle what his definition of legal through the city was and stated that the city knew nothing of either business until the complaints of their neighbors came in. Alderman Hagle again asked if they are legal and conducting business then why stop them; he stated that he, himself has his permit. Ms. Lincoln replied that he has a vendor permit to sell from his food truck, yes but not from his home. Alderman Hagle replied because his business is based out of his home. Alderwoman Ursula Estrada asked if changes would affect every home-based business or a specific one, referring to Mr. Robles. Mr. Smith stated that Mr. Robles has already asked a variance. Ms. Lincoln stated that any changes to the Zoning Ordinance would require a Public Hearing. Alderwoman Ida Rodriguez stated that she believes this item requires a lot more discussion. Mayor Bahlman asked if anyone wanted to make a motion on this agenda item. No action.

Agenda Item 8. Adjourn. Alderwoman Ursula Estrada made a motion to adjourn, seconded by Alderman Jimmy Butler. All in favor, motion carried. Meeting adjourned at 7:33 p.m.

ATTEST:

Chris Bahlman, Mayor

Sheila Lincoln, City Secretary