

STATE OF TEXAS §
COUNTY OF RUNNELS §
CITY OF BALLINGER §

On the 7th day of August 2023, the Ballinger City Council meet in regular session at 5:30 p.m., in the Council Chamber of City Hall located at 700 Railroad Avenue with the following members present:

Dawni Seymore	Mayor
Richard "Rick" Morrish	Mayor Pro-Tem
Ken Manley	Councilmember Place #1
Ryan Lange	Councilmember Place #3
Steve Gray – Arrived at 6:41 p.m. On item 6.f	Councilmember Place #4

Staff Present:

Blaine Ross	City Secretary/Interim City Manager
Lindsey Byler	Assistant City Secretary
Sharon Hicks	City Attorney
Cord Bowman	Public Works Director
David Brem	Water Treatment Plant Operator
Ray Cornutt	Chief of Police

1. **Call meeting to Order:** Mayor Seymore call the meeting to order at 5:31 p.m.
2. **Prayer and Pledges:** Councilmember Lange gave the invocation and lead the pledges.
3. **Citizen Presentations for Items not on the Agenda:** None
4. **Public Comment on Agenda Items other than a Public Hearing:** Mayor Seymore asked the council to jump to item 6c. Park Board Circus Event April 2024. Elaine Paske asked the council for approval to have the circus event the first week of April 2024. Councilmember Lange made a motion to approve the circus event. Councilmember Manley seconded the motion. The motion carried unanimously.
5. **Consent Agenda:**
 - a. Approve Minutes from the July 17th, 2023, City Council Meeting. Councilmember Manley made a motion to approve the July 17th, 2023, minutes. Councilmember Morrish seconded the motion. The motion carried unanimously.
6. **Regular Agenda Items for Discussion, Consideration and/or Action:**
 - a. Presentation: Bob Forman with Priority Power, a 3rd party energy consultant, who has worked with the City of Ballinger since 2010, presented the council with options concerning the electric contract that is due for renewal in July of 2024. The council accepted Mr. Forman's information with no action taken.

- b. Written Resolution: Calling for a General Election on November 7th, 2023 for the purpose of electing the Mayor, Councilmember Place #1 and Councilmember Place #2, approving the agreement to contract with Runnels County Election Office. City Secretary Ross stated the agreement of the contract had previously been approved and the estimated cost of the election would be between \$1500 and \$2000. City attorney Hicks stated the written resolution and Order are standard language each year as required by the state. Councilmember Lange made a motion to approve the election resolution. Councilmember Morrish seconded the motion. The motion carried unanimously.
- c. Oral resolution authorizing Acting City Manager to seek leasing terms for Peacemaker Computers for the Police Department. Acting City Manager Ross presented to the council an invoice for \$27,540.00, recently received from Peacemaker Technologies, for computers that were installed in police vehicles in February of 2023. Shane Rapp with Peacemaker Technologies offered two options for settlement. Pay the current invoice with 3 additional annual payments of \$27,540.00 for a total of \$110,160.00 or arrange a four-year lease totaling \$110,100.00 that would postpone the first payment until August of 2024. Councilmember Lange made a motion to allow for a lease agreement to be arranged with American National Leasing. Councilmember Manley seconded the motion. The motion carried unanimously.
- d. Consider hiring Bureau Veritas for Inspection Services. Acting City Manager Ross told the council that the City currently has no employee that is qualified to do inspections for permitted work within the city and Bureau Veritas is a full-service inspection company that could fill that void. Inspections are performed and charged on an as needed basis, and the fees would be passed on to the contractors. Attorney Hicks is reviewing the contract for termination clause. The council moved to item 6e, Budget and Financial update.

Returning back to consider hiring Bureau Veritas for Inspection Services. City Attorney Hicks reported the Bureau Veritas contract has a 30-day termination clause and upon review of a google search, Bureau Vistas has been used by several cities that Attorney Hicks represents, and the rates charged by Bureau Veritas has not changed since 2019. Mayor Seymore called for a motion to approve contracting with Bureau Veritas. Councilmember Manley made a motion to approve. Councilmember Morrish seconded the motion. Councilmember Lange opposed the motion. Mayor Seymore approved the motion to record approval, 3-1.

- e. Budget and Financial Update. Budget and Financial Update. Mayor Seymore called Doug Martella, GoVirtualCFO and introduced him to everyone present. Doug explained the Ad Valorem Tax Rate can be divided into two parts: Maintenance & Operations, and Interest & Sinking. The City currently does not utilize the I&S rate, which is designed to pay bond debt. The M&O portion of the Ad Valorem is limited to state laws and may be increased to a maximum of 3.5% over the no new revenue rate per year without triggering an election. The I&S rate has no restrictions as to

rate and may be increased or decreased each year without voter approval based on the debt obligations of the City pledged by ad valorem taxes. Doug researched the City's Bond debts and found that they do qualify to be backed by the I&S rate. A letter was delivered to the County tax office stating the City's desire to implement the I&S rate. The Tax Office then submitted a tax worksheet that included the I&S rate. Doug proposes the City adopt the voter-approval tax rate of 0.552052 which is divided into M&O at 0.485372 and I&S at .06668. A preliminary budget submitted by Doug shows in Fiscal Year 23-24, by adopting the I&S rate the City should have a Surplus of funds totaling \$284,685.00.

- f. Discussion on refuse rates. Assistant City Secretary Byler reported that that after research of utility billing and actual Republic Services billing, that rates being charged to the city for certain services are well above the rates being billed to customers. Also, overall rates have been increased by Republic over the last two years and the City has failed to increase rates to match the increases. Several commercial customers that are utilizing the refuse services are not being charged for all the dumpsters that the City is currently being billed for. Businesses that are no longer in operation, the service was never cancelled by the City and Republic continued billing. Interim City Manager Ross stated that staff was going to reconcile the billing from Republic to the billing being charged to customers unless Council objected. Staff will move forward with said reconciliation. A letter to citizens will be drafted explaining what current rates are and included in the next utility billing cycle.

7. City Manager's Report:

- a. Police Department monthly report. Chief of Police Cornutt presented the July 2023 Police Report.
- b. Public Works Update: Streets, Wastewater, Water Treatment Plant. Public Works Director Bowman presented an update on water leaks and sewer repairs, including a major sewer collapse on Broad Ave by the Elementary School. TCEQ visited the sewer collapse site, informing the City that such an event needs to be reported to TCEQ. Councilmember Morrish asked about a fire hydrant on 12th Street that is in need of repair. Public Works Director Bowman reported that he has coordinated with Randy Everett on those efforts and repairs are scheduled. Water Treatment Plant Operator Brem reported water quantity treatment and usage for the City in the last month. The current Lake Level is at 1660.5. Should the Lake Level hit 1650.0, Stage 3 Water Restrictions would go into effect and enforcement of watering restrictions would be important. Repairs that have been completed and ongoing repairs.

8. Future Agenda Items to Consider: None

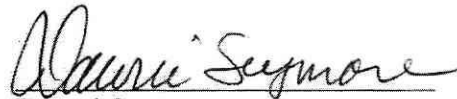
9. Executive Session: Council Adjourned into Executive Session at 7:10 p.m. pursuant to Texas Government Code.

- a. **Section 551.071 Consultation with the City Attorney.**

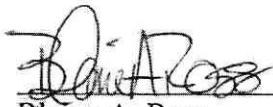
- b. **Section 551.072 Deliberations about Real Property.**
- c. **Section 551.074 Personnel Matters.**

10. Reconvene and take Action if needed from Executive Session: The City Council reconvened in open session at 8:01 p.m. Mayor Seymore stated no votes or action were taken in executive session. Mayor Seymore asked for a motion for an auction sale of the property at 800 N 12th Street. Councilmember Manley made a motion to approve the sale. Councilmember Lange seconded the motion. The motion carried unanimously.

11. Adjourn: Councilmember Manley made a motion to adjourn. Councilmember Gray seconded the motion. The motion carried unanimously. The meeting adjourned at 8:02 p.m.


Dawni Seymore
Mayor

ATTEST:


Blaine A. Ross
City Secretary/Interim City Manager