

**CITY OF VIDOR
VIDOR CITY COUNCIL
REGULAR MEETING
October 24, 2024**

MEMBERS PRESENT:

Mayor Songe
Councilmember Lee
Councilmember McGowan
Councilmember Barker
Councilmember Bourque
Councilmember Weldon

MEMBERS ABSENT:

Councilmember Thompson

Administrative Personnel: Robbie Hood, City Manager; Pebbles Eckhoff, Finance Director; Rachel Duplechain, City Secretary; Chris Leavins, City Attorney; Rod Carroll, Chief;

A. OPENING, PRESENTATIONS, AND CITIZENS COMMENTS

A -1. Call to order and the establishment of a Quorum

A quorum was present, and the Regular Meeting of the Vidor City Council began at 7:00 p.m., Misty Songe, Mayor, presiding.

A -2. Invocation and Pledge to the United States Flag and the State of Texas Flag

Chris Leavins, City Attorney, gave the Invocation and led the Pledge to the United States Flag and the State of Texas Flag.

A -3. Citizen Comments

Mayor Songe, called Lanny Brown. Lanny Brown, former Council Member, I'm sorry I'm reading a prepared statement within the three minutes. Songe, that's okay, you have four (4) minutes name and address before you start, please. Brown, I would like to point out that I sat in the chairs that you're now sitting in. Songe, Mr. Lanny, will you give your name and address first for the record thanks. Brown, but anyway, I would like to point out that that I was one of the first ones sitting in the chairs, you're now sitting in. And I presently serve as your Chairman of the City Civil Service Commission. I served six (6) years on the Council for Ward 4 and could have served longer, if it had not been to this albatross that we're all in. This property and building has consumed a year's budget and monies needed for infrastructure, equipment, and employees' benefits. As a result, our roads and drainage needs have deteriorated and most streets are over twenty (20) years old and in a horrible condition, many of our tools and equipment are worn out and needs replacement. We can't keep the police dispatchers and police properly staffed, and the resulting overtime exceeds their budget, though our Police Department does an excellent job, this will eventually result in increased crime in our city. I don't like most of what I'm hearing and seeing on social media, and I don't like Vidor being the laughingstock of surrounding communities and our Council meetings being called the clown circus. It's obvious to me that some of you must not have bothered to read the City Charter, as it is sometimes not followed. And abbreviate description of your duties and

responsibilities under the City Charter, for the cause. The Mayor shall preside that all meetings of the City Council and appoint all committees and subcommittees of the Council. He or she shall have the power to conduct hearings, summon witnesses and conduct investigations, and do all of that acts authorized by the City Council. City Council is dedicated to serving our community by shaping policies that promote growth, safety, and the well-being of our residents. As your elected representative you must work together to address key issues and create a substantial future of our city. If you have a Member that has an expertise in some area that would like to be a benefit to the city and is willing to share that skill lawfully it would be foolish not to take advantage of it. As a word of caution, Council members do not direct or dictate to city employees unless it's an unsafe or dangerous act. If you want something done, it must be by majority decision, which then goes through the mayor, or the city manager, he is the employee's supervisor, not you. The city manager is appointed by and reports to the mayor and City Council. He is the chief Administrator office of the city and all its parts, he is responsible for the positive and effective implementation of Council policies, and the residents, the administration and preparation of the annual adopted city budgets, and the provisions of effective, efficient, and quality service and programs for our residents. Thank you, Songe, Thank you Lanny, Nicole McGowan, Council Member, thank you.

Mayor Songe calls Ms. Deborah Fetherlin. Deborah Fetherlin, after eight years of working closely in this building at least two (2) or three (3) times a month working with city officials and city employees, then moving to the city of Beaumont, and watching how they operate, I have a couple of questions, but. I only have one statement. There's only two (2) people in this room, that I am not utterly ashamed to say represents the City of Vidor.

Mayor Songe, calls Nick Lagusis. Nick Lagusis, I will pass today, thank you.

Mayor Songe, calls Pebbles Eckhoff. Pebbles Eckhoff, for the past month, I've sat and listened to the lies and unfounded accusations that have been spread about me on the internet day in and day out. It's been disheartening to see mis-information flourish, especially when it targets my character and personal life. I had kept quiet and remained silent until now, because the disgusting remarks made on Friday about my deceased child have compelled me to speak out. The remarks made were delusional, disturbed, disgusting, unhinged, outlandish, and frankly uncalled for this kind of behavior is not just hurtful it crosses the line that should have never be crossed, using someone's personal tragedy as a weapon is unacceptable and shows a profound lack of empathy. My son Cameron has been gone almost 10 years, it's a pain that I endure every single day I do not need anybody reminding me that my son passed or attempting to use it for their own inhumane agenda. I am still here at City Hall. I will remain here. Nothing anyone will do will run me off from here, I will continue to work hard and uphold my integrity regardless of the challenges, harassment or bullying that I will face. I believe in the mission that we are here serving and the positive impact that we are attempting to make for this City. Let us focus on fostering a supportive and respectful environment where we can all thrive and continue with shared goals, thank you. McGowan, thank you, Barker, thank you.

B. COUNCIL CONSENT AGENDA

B -1. Approval of Accounts Paid:

Paid Invoices:	General Fund –	\$214,236.41
	MCBSF –	\$379.59
	Hotel Occupancy –	\$20,363.30
	Proprietary Fund –	\$23,042.59
	Total:	\$258,021.89

B -2. Approval of Minutes: Regular Meeting – October 10, 2024, and Special-Called Meeting -October 15, 2024

A motion to **approve the Consent Agenda** was made by Councilmember McGowan, seconded by Councilmember Lee. The Council voted five (5) for and none (0) opposed. **The motion carried.**

C. COUNCIL REGULAR AGENDA

C -1. Consideration of the possible acceptance and approval of the annual auditors' reports and related communications required under generally accepted auditing standards for the fiscal year ended September 30, 2023, as completed by Brooks Watson & Co., CPAs.

Mike Watson, CPA for Brooks & Watson, Good Evening, Mayor and Council, my name is Mike Watson, CPA, and we'll be presenting you with your annual financial report your audited statements, for the end of September 30th of 2023, believe you all have a copy of that to be presented here tonight. Within that packet you have a lot of letters, and I haven't heard a summary presentation, so if you don't mind, I will go over that now. Songe, yes sir. Watson, first, we'll go over the audit process. The audit is broken into three general basics, the first planning, risk, risk assessment phase for this typically performed prior year end close. So, prior to year-end, maybe during the summer and typical year, but we are coming out reviewing the internal controls, trying to find out what's been going on. We're trying to do our investigation, figure out what's been going on during the year, find any areas that are or have weak controls or any new areas that we need to modify our audit plan to focus on. The next stage is the bulk of what we do, this is the year end field work, so after the books have been closed for the year. We are coming out and auditing all material assets, liabilities, revenues, and expenditures across all funds. So, if any activity does meet our materiality threshold, it is being audited in some form or fashion. And the final stage is the conclusion in reporting, so this is the wrap up of any findings that we did have, the preparation of these audited financial statements, and the presentation of these financial statements to City Council. Next, the report you have is quite large, so there is a lot of information in there, but it can be broken down into several distinct sections. First, we have the auditor's opinion, then we have the management's discussion and analysis, then we have the basic financial statements, which include the government, wide fund level and notes to the financial statements, and we have the required supplementary information, which includes your budget to actual and TMRS pension information. Next, is what we consider to be the most important part of your audited financial statements, this is our contribution, our independent auditors' report. So, this can have four (4) possible outcomes, the best being an unmodified audit opinion and the worst being an adverse audit opinion. So, we are pleased to say that we have issued a clean, unmodified audit opinion. Councilmember Barker, where are you at right now? Watson, Oh, I'm sorry, I'm on page four (4) and my apologies. Barker, no worries. Watson, yeah, sorry about that. So, on page four (4), we do have the results of our independent auditors' report, as I mentioned, we were, we did issue an unmodified clean audit opinion over the city's financials. So, this is the highest level of assurance that we can give that these financials are free of any material misstatement and all footnotes are disclosed. Next, I just want to point out several financial highlights as of the end of the year, total citywide assets exceeded total liabilities by approximately

\$20 million. Your governmental funds reported a combined ending fund balance, and this includes all your funds with the exception of your sanitation fund, of \$7.6 million, there was a decrease this year of \$827,000. This decrease was related to the expenditure of grant funds in the current year, which were received in the past, your unassigned fund balance for your general fund totaled just over \$4 million which equated to almost 50% of your annual general fund expenditures, and the city had an overall increase in net position of about \$63,000. Next is a summary of your governmental activities' revenue, so this does not include your sanitation fund, but this is a consolidated summary here and total revenues for the year were approximately \$10 million. This was an overall decrease of about \$271,000. The overall decrease was specifically related to a decrease in grant revenue this year, but the three largest revenue sources were your property taxes, which totaled \$3.2 million and had an increase of just over \$90,000. Your sales taxes total \$3.7 million an increased \$226,000 and your grants and contributions totaled \$1.1 million had a decrease of about \$930,000. All right, next is a summary of your governmental activities' expenses, total expenses for the year were \$9.8 million, this was an overall increase of just under \$1.3 million. Your three largest being public safety expenses, which totaled \$4.3 million, had an increase of \$330,000. Public works expenses totaled \$2.9 million and had an increase of \$199,000 and your general government expenses totaled \$2 million and had an increase of \$759,000. OK, on Page 8 is a statement of revenues and changes in fund balance for your governmental funds. So, you'll see your general fund disaster recovery, which is your grant fund, and the next one is CDBG fund, it's also a grant fund, and then you have your other smaller non major funds consolidated in the final column to the right. The numbers I want to point out are your increase or decrease in fund balance for the year for each fund. Your general fund had an increase so added to fund balance this year of just under \$400,000, your disaster recovery grant fund had a decrease of \$1.5 million this was due to ARPA funds being received in the prior year and other grant funds being received in the past and then expended this year. So, in the past you had increases and timing caused the decrease this year pretty typically. Your CDBG fund had an overall increase of \$151,000 just due to timing of those revenues as well and your non major consolidated governmental funds, the smaller funds had an overall increase of \$120,000. The next number I want to point out to you here is your ending fund balance for your general fund, and the reason this is important is because the city wants to maintain an adequate unassigned fund balance reserve in case of emergencies or for future expenditures. But you don't want to get into a position where you're running so lean that you don't have any reserve. So, the GFOA recommends at least 15% of your annual general fund expenditures, or about two months in reserve. The city's policy is to maintain a committed fund balance of 25% for general commitments, so you have that amount sitting in fund balance of just over \$2 million right now and in addition to that you have unassigned fund balance that can be spent any way the city chooses or just maintained as a reserve of \$4,055,000 which equated to an additional 50% of your annual general fund expenditures. So, between the two you have a total fund balance available of about \$6.1 million and almost 75% of your annual general fund expenditures. So certainly, a very healthy ending fund balance and within city policy. Ok, Next is a budget tax or for your general fund you'll see the final budgeted numbers on the left-hand side column on the left with your actual results for the year in the middle and the positive or negative variance on the right. So, the city had a positive revenue variance of about \$536,000, so you received \$536,000 more than you anticipated with this budget. You had a negative expenditure variance of \$225,000, so you spent about \$225,000 more than budget, but that along with your other financing sources. The city had an overall positive budget variance of \$1,025,000. So, when you budgeted for a deficit or a decrease in fund balance this year of \$626,000. You had an overall increase of \$400,000, so the difference between those 2 is where you get your overall positive budget variance of a million. Ok next on page 10, is a summary of the changes in net position for your sanitation fund. These funds do differ then your governmental funds, and then they should be self-supporting so they should have rates that are set at a level that do fund operations, debt service and any capital improvements or depreciation. So, these funds are losing money or they're depleting net position over time, it's typical and it some sort of issue related to the rates, maybe some other operational issue. So, it's important to look at the change in that position from year to year. This year, the fund did have a decrease about \$97,000 within this fund, but a lot of this is related to a change in the pension liability, which does fluctuate quite significantly in the comparative from last year to this year, significant increase in your pension liability which had to flow through to your income statement here. So, nothing we saw that was concerning, but did want to point that out to you. Ok, So in addition to the financial

statement audit, we were required to perform a single audit. I won't go over that in detail, but that is the smaller report that you see. This is required when a city expends. Yes, ma'am. Councilmember Weldon, can we go back to the pension liability on that, that pension liability of \$97,000, is that investments for the pension fund? Watson, so it is the investments are handled by TMRS, so the city does participate in that pension, the liability is the excess of the anticipated pension payments that are going to get paid out to the employees and the participants netted with the amount that are sitting in an investment fund. So, if it's you have a slightly higher liability then you do the actual investments that's called the funded percentage. So, if it were 100% funded, there would be 0 liability wouldn't exist if there was, more than 100%, you might actually have a net pension asset. And a lot of this is just determining is based off the market, so all these investments, they go with the market. So, when the markets up, your pension liability is going to go way down, maybe even turn into an investment. Weldon, I'm curious because the market's doing very well, so I'm very curious why that would not be also doing good. Watson, yeah, and let me point out that the pension liability is measured in a calendar year and it's behind. So yeah, so it has not you will see the benefit of this, this fiscal, this calendar year next year. Weldon, so this isn't concerning to you. Watson, not at all no and TMRS does a really good job of maintaining a healthy fund balance and healthy funded percentage. I'm sorry, a pension funded percentage. So, the other smaller report is your single audit report, so we were required to complete this single audit, which is primarily a compliance and internal control audit over certain grant funds that did meet the \$750,000 threshold. We did not have any grant findings, and everything was clean within your single audit. Okay, so that concludes my formal presentation, but I'd be happy to answer anything that. Councilmember McGowan, Mike, I have a few questions for you. Watson, yes. McGowan, I just want to clear some stuff up. First question I have is when did Pebbles reach out to you and ask tell you that we were going to need an extension on the audit? Watson, I believe in December. Pebbles Eckhoff, it was the 27th. McGowan, December, okay. So, when did she have everything to you? Do you know? Watson, The bulk of information, so when we do the audit, we make an initial request and then there's inevitably follow up requests and whenever we learn things with the information that we find, we have to make additional requests from our initial request. The bulk of everything was generally provided in the May timeframe. McGowan, okay. And when did you send the e-mail, for the draft? Watson, we provided the draft September 24th, I believe. McGowan, and did Pebbles let you know that we were going to need it because we were doing the budget? Watson, she did, yes. McGowan, thank you. Have we ever missed audit in the past? Watson, past by missed you mean not had an audit. McGowan, have we ever been late on the audit in the past? Watson, you last year was the first year that we've been involved in, which was not issued was the latest audit that we had issued and that was for 22. A lot of that had to do with the turnover and the change in accounting systems and there was some difficulties that the city had to work through. Mayor Songe, switching to fund view and then back. Watson, yeah that was a very difficult process, and so that took time and we had to recreate reports and figure things out so that that was the that was for 22. And then again, this year we had another change in the finance director position, which anytime you have that sort of transition it's difficult for anybody coming in to try to figure out what was going on and get things caught up. So that was the reason, the primary reason for this year as well. McGowan, so you got everything you needed to file the extension for the late audit. Watson, when you say file an extension, there's not. McGowan, like she provided all documents needed. Watson, yeah, there isn't a formal extension that needs to be filed unless you're submitting for the GFOA a certificate of achievement which is an optional award, and the city did not submit that this year just due to time constraints. But going forward, the city can certainly submit to that and receive that award in the in the future. Councilmember Barker, what is that award? Watson, it's the government finance officers' certificate of Achievement for excellence in financial reporting, so in 22 and I don't recall the first year that Cheryl. Songe, yeah Cheryl got it several years. Watson requested that we did this. Yeah, maybe 19 range, but it had been done for a few years prior to last this year and the report has some additional information in it has an additional section in the back, it has some you know 10-year comparative information and debt information, demographic information, just a lot of more, a lot more information. For the reader. And it has a few other sections, and then that report is submitted to the GFOA the government Finance Officers Association, they review it and make sure it meets their qualifications and issue an award, if you do meet that. And that's like I said, an optional award. You do not have to submit it and it's up to the city if you want to continue doing that or not. Weldon, what's the benefit of having that award? Would it help you? Watson, a

bond rating? Weldon, yes. Watson, No, no, probably not. But it does. It does provide the citizens and readers with more information whenever they're reviewing these financials. Weldon, okay. McGowan, I just have one more, did we put anything into place for fraud prevention? Watson, um yeah for the. McGowan, we showed that Sanitation had been. Watson, yeah there was an issue this year. McGowan, so do we have something in place to prevent that from happening in the future? Watson, yes, we do and the City, the employee is no longer employed with the City, but there has been a control put in place to prevent that going forward. Eckhoff, Council so for the GFOA, I did reach out to them, and we will still be able to get the award because we have the audit completed. It is a membership that you actually pay, you pay for it yearly, so it's kind of like a pay to play kind of thing. And so as long as we have an audit done and I can submit them to audit before the end of the year, we will still get the little token to put up on the wall. McGowan, that's all I had. Councilmember Bourque, in one of the reports it said that there was a recommendation, can you discuss that further? Watson, so we had three recommendations in one of the letters that you have. The first one is related to the preparation of these financial statements, in summary it just explains to you that we are the ones that as auditors for the ones that came in and had to prepare these financial statements for the city. So, in a perfect world, the city is capable of preparing a complete set of financial statements, footnotes full accrual modified accrual everything related to a government accounting that would be needed to issue these and the only thing we would do is come in and issue our audit opinion, so that one page. So I'll say that's for a city of this size it's not that feasible, you would probably need to hire an additional CPA and somebody with auditing experience and the cost benefit is likely not there for you guys but the accounting standards do auditing standards do require us to communicate that to you, so that's really what we're doing. We're just sharing that we were in essence part of the city's internal control over financial reporting because without us preparing this, the city would not have been able to do that on their own. But 95% of my clients have us do it as well, so it's not something that's overly concerning to us. The next comment was related to the year-end close, so we did have as auditors to bring these financial statements into accordance with GAP, so all accruals made, all adjustments made, we made about 22 somewhere in the low 20s journal entries, so it's just communicating to you that we were required to make these journal entries to bring these accounts into reports with GAP, and we're always going to recommend that the city work to try to cut those down and limit the amount of journal entries that were required to make. Barker, what is a journal entry? Watson, so if we find an account, maybe a receivable account or a cash account or a payable account that is not correct, we need to make an adjustment to that. So, we'll increase it or decrease it. And that goes with revenues expenditures. Any of the accounting you know accounting related items we may need to adjust and so that you know each entry that we make each adjustment that we would make is what I'm referring to. Barker, I was just going to ask on the anytime you have to adjust, is there like a dollar figure that it's over? Watson, yeah. Barker, where you asked for, okay, this is now a journal entry, we have to make a correction here. What is that dollar amount? Watson, there is I don't have that it's calculated based off a formula that we have and some other risk areas, but I don't have that number in front of me. But yes, there is, there's and it's called materiality, so we have a threshold for items that are insignificant that are not going to meet that threshold. And then we have several other thresholds that we use to determine whether we're going to make the entry. Barker, and we had over 20 something? Watson, yes that is correct. Bourque, are y'all the only ones that make the journal entries? Watson, for your city? Bourque, well, like for the books. Watson, the city can make journal entries as well. Yeah, so every journal entries that that we had to make, we can work with the city on showing them what we had to adjust. So next year we maybe won't have to make those. Bourque, and it differentiates when y'all make journal entry versus the city. Watson, yeah, so if the City makes it and we don't have to make it, that's the goal, yeah. Barker, I have a question on page 28 of the audit and I just this is more for clarification. So, it's got general funds, disaster recovery grants, CDBG non major governmental funds and then total. So, it has our revenues at \$9.8 million and then our expenditures are at \$11.4. Watson, correct. Barker, so we're spending more than what we are bringing in? Watson, this year, yes, and the biggest driver of that is going to be your disaster recovery fund. So that is a fund that only accounts for grant revenue and grant expenditures. So, the grant revenue side of this fund was received in the past, so whenever it was received, you had significant surplus in that fund and this year you're spending it. You're spending more than you received this year, but you had it in reserves from the past. So, this year it looks as if you had a large decrease in your overall fund balance, but really, it's just related to the timing because that

fund balance in the past had gone up by a larger amount and now it's going back down. Robbie Hood, Mike are we correct in saying grant funding in and it's released to us as part of the general fund operating it makes our revenue stream higher and as we expend those revenues, we don't realize until the next year. So, it shows that increase in revenue, but then we expend them, and it cancels out. Watson, that's correct, yeah. Barker, so if we were to take out that section, that disaster recovery grant section, which has the \$1.8 million and we just look at our general fund, which is our basic revenues and expenditures. We're bringing in \$7.9 million on an expenditure of \$8 million. So, we're still overspending even if we take out the grant stuff. Watson, and if you look at the next section down, it's called other financing sources and uses. So that is also has to get included in that calculation. So, you had an increase of \$715,000, just within that section alone. So those are your revenues of \$7.9 million netted with your expenditures of \$8.2 million plus the \$715,000, you had an overall increase of about \$400,000. So, you actually did have about \$400,000. Barker, okay so we're positive \$400,000 after you add it in, okay. Barker, what is the lease issuance? Watson, so that's a governmental accounting quirk, so whenever the city enters into a lease agreement that's going to be capitalized and then a liability is going to get booked within the year that it's entered, the city has to record an expense of the amount of the lease which was in this case \$636,000 and then an offsetting lease proceeds as if it was a debt issuance. So, they had some as if you had funding come in those two net together and so the accounting effect impact in the year of a cap of a lease like this is 0. It just looks a little funny because the expense side of it is actually up in your expenditures, but your proceeds is down there, so it sticks out because you're wondering where that is, but they net out, so there was it was a net impact of 0 related to that. Barker, so I don't think I am following you, what is a lease issuance? Watson, so if the city wants to, if the city needs a new vehicle or maybe some new equipment, and you can't pay it all at once, you can get a loan through a bank or you can. Songe, so it's going to be the vehicle, sorry to interrupt you. Watson, yeah. Songe the vehicles that we leased. Watson, yeah, I think it was a grade all maybe I would have to look back there. It's just like you lease a vehicle personal lease it's the same. Barker, okay gotcha and then the sale of the capital assets. Watson, the \$47,000, I would have to look back at our capital assets schedule to see, I assume it probably some auctioned items, but I don't know. Eckhoff, it is for the Police, and it is tied to their Chapter 47 seizures they auctioned off. McGowan, so those journal entries were those the previous finance director's or are those the current finance managers? Hood, being under the last regime. Watson, yeah, they went up through September 30, 2023. McGowan, then it was last year's finance director, okay. Hood, Mike, just for the record what financial condition are we in at this moment? Watson, the city is in good financial condition, yeah. Hood, thank you. Watson the fund balance that I pointed out was and is probably the best measure, and like I said, you guys have nearly 75% of reserve when you include. Hood, is that equivalent to about what, five months of reserves? Watson, no like nine (9) months. Hood, okay, thank you. McGowan, thank you. Songe was that all you had Jessica. Barker, that was all the questions I had. Songe, Kathryn, MiKayla, Mercedes? Bourque, yes thank you. Lee, yes thank you. Weldon, present Sanitation, the Sanitation Department itself is more of a self-supporting thing, that's why it's broken out. Watson, right, yeah. Weldon, okay I get it, thank you. Songe, it is an action item.

A motion to acceptance and approval of the annual auditors' reports and related communications required under generally accepted auditing standards for the fiscal year ended September 30, 2023, as completed by Brooks Watson & Co., CPAs, was made by Councilmember McGowan, seconded by Councilmember Bourque. The Council voted five (5) for and none (0) opposed. The motion carried.

C -2. Discussion and consideration of approving the recommendation of the Selection Review Committee to award by Resolution a contract for administrative services pertaining to the application and implementation, if awarded, of the City's 2025-2026 Texas Department of Agriculture TxCDBG grant and authorizing the execution of a contract.

Robbie Hood, Mayor/Council, the Mayor and some of my staff members met the other day and we received 3 applicants for this particular grant, it's a grant of \$750,000, we had Public Management submit a request, Grant Works, and Traylor & Associates, all committee members met, and scored, Traylor & Associates, is who we recommend for Administrative services

A motion to **approve the recommendation of the Selection Review Committee to award by Resolution a contract for administrative services pertaining to the application and implementation, if awarded, of the City's 2025-2026 Texas Department of Agriculture TxCDBG grant and authorizing the execution of a contract**, was made by Councilmember McGowan, seconded by Councilmember Weldon. The Council voted five (5) for and none (0) opposed. **The motion carried.**

C -3. Discussion and possible action concerning the property owner's request for an extension of time for a recreational vehicle's placement on property in excess of ninety (90) days located at 615 Lyndale

Mayor Songe, we will pass on this one as she is actually sick, we'll bring it back with her next meeting.

C -4. Discussion and possible action regarding approval of an Ordinance of the City of Vidor, Texas amending Chapter 6, Article I, Section 6.5. Animal Service Fees, Permit Fees, related to fees charged by Animal Control

Mayor Songe, so this was something that I actually brought up after we had the dog bite incident because looking at our we can't increase the fines, but we can increase the fees and my concern is the repeat offenders like the lady spoke last time, right. All dogs get out on occasion. Everybody knows I've chased mine numerous times, but the ones that are repeat offenders just escaping and the owner is not trying to keep them in or making any changes to help. I do feel that those fees need increased as the number of times increases and then for dangerous dogs it needs to be increased dramatically as well because most of them are repeat offenders, not one-time offenders. Councilmember McGowan, I agree with that. Councilmember Lee, what is the suggestion of the increase? McGowan, what is the current fee? Chris Leavins, City Attorney, yeah, I was going to point that out, if you look at what Ordinance in front of me is amended except for the fees section. Because that was one of the things, I didn't know what it was going to change to so obviously whatever happens with it tonight we can certainly do that, but I wasn't sure what the fees currently were. Songe, \$25, \$45, \$65, and \$85; quarantine fees are \$80, \$150, \$185, and \$220, now there is actually also if they are a dangerous dog, they're supposed to get a permit to keep the dangerous dog as well. McGowan, the problem is who's controlling it's a dangerous dog. Hood, that is regulated by Animal Control. Songe, they have different protocols for what's dangerous and what's not. Hood, There's several things that they have to do in order to actually be able to keep a dog that is considered a dangerous dog, it's State law. Songe, but so on the impound fees I you know, first time offense, I think \$25 even a second time at \$45. But I think anything above the second needs to go up. I would say the third time needs to be \$100 in the 4th and more needs to be \$150. Councilmember Barker, where did we get these numbers from for the impound fees? This \$25, \$45, \$65, and \$85. Songe, I don't know what year they were adopted. Leavins, I believe theses are the fees from the last time we addressed this Ordinance, it might have been twelve years ago or maybe ten something like that but it's been awhile. Barker, okay so those are the same amounts. Leavins, to my knowledge, has not been amended. Barker so it's safe to say since 2012, you said. Leavins 2012 or 2014 I don't remember. Barker, okay so ten (10) years potentially, I mean. So, if the first occurrence is \$25 and that's to get the animal, bring it back, and keep it. Leavins, I believe that is correct. Barker, \$25, I mean, I'm looking at an hourly fee, I'm looking at a truck, I'm looking at

gas, and I'm looking at wear and tear on our vehicles, that's really not a lot. Hood, yes that's ten (10) years old. Barker, this is outdated significantly. Songe, I don't disagree, I still think, at least on a first offense, because my fence has accidentally left open, my neighbor's dog has crawled under the fence, I mean, they're the occasional that you try to catch them, or you didn't get them. But I've also had the neighbor that his dogs probably picked up ten (10) times because he made no attempt to correct the thing, so I do feel that at least just the first time. If it's their first time, first animal, something minor to remind them. Lee, did they get a warning at all or is it that \$25, on the first time. Eckhoff, so if their dog gets picked up one time when they come to pick up that dog, they have to pay \$25. Barker, can we confirm whether or not this meets our expenditures, because I'm not interested in picking up someone's dog if it's if we're it's costing the city money, we're not recouping what we're paying out, that doesn't make sense to me. Rod Carroll, Chief, we're not it's costing more to pick up the dog. McGowan, we can't just raise it because we need to pick a dog. Barker, no, but we need to cover at least what we're spending. Weldon, well, one of the things we might want to keep in mind is if we raise it too much, they won't come and get their dogs and we'll be euthanizing bunch of them, and that's what I'm afraid of. Eckhoff, that's correct and that's what we try to avoid as well. Weldon, I know Sherri doesn't want to put down a bunch of dogs, she doesn't. Lee, I agree with Misty, I don't feel like a first offense should be costly to someone for their dog getting out, one time, if it continues to happen and they're repeat offenders, then I agree we should increase. Songe, and I will say Sherry is really good, especially if it's the first or second time she will educate them on where to fix the fence. She will show them how to do a hotline like she will help them set up a color, she does all that. So, for like my beagles have been out multiple times but I have a new fence. But the first time for sure sometimes second, but anything above that you didn't make the necessary changes. She will give you a leash if you need it, I mean, there's a lot of things that they do to help educate not just charge the fines. Eckhoff, and they are already out patrolling, so it's not like they are just going out to get that dog. Songe, yes. Weldon, yes, she is amazing. Barker, can we revisit this so that we can at least cover what we're spending so that the city is not out? Songe, I think that's going to vary depending on where it's picked up at too. Eckhoff, yes it varies month to month. Barker, no, but I mean it's I think we need to take a deeper dive into these numbers and see you know if it cost us \$40, to go and pick up an animal, I think we should at least be covering what our costs are and not having more expenditures than, I mean, we at least need to be getting back what we're putting into it, don't you? McGowan, do you have any dogs? Barker, yes, I do. McGowan, okay just checking. I do too, mine don't get out, but I know Misty's have been out a whole lot. Songe, till I built a new fence, yes, till I built a new fence. Barker, right but I'm also, I mean, I think it's not spending the taxpayer's money very well if we are not holding these people accountable to at least recoup what we have invested in this to make sure that we're keeping the citizens safe. Lee, I think if we dramatically increase the repeat offenders, then we would recoup it absolutely on those that repeat. If we can hike those up where it is well above what we would spend, then it would cover the people who get out once or twice and they don't have to feel terribly punished for their dog too and a hole in the bottom of the fence, if that makes sense. Barker, so do you agree it's it just needs to have a relook at it just to make sure that we're. Lee, I agree that we need to increase for repeat offenders pretty dramatically so that we don't keep seeing it happen and spending that extra money, but I don't think we need to increase that first offense amount. McGowan, I agree, Songe I agree, Weldon, agreed. Songe, I almost think the second because it is \$20 more because you, they will come pick them up that second time, but when it gets to that third, it's either that and Sherri does try, it's just so the audience knows we don't try to get euthanize them she does try to adopt out. She does really amazing with that but, something has to change because there are way too many that are constantly having to be picked up called in on PD's having to go out after hours for particular ones over and over and over, and that cost us way more than it does during the day for Animal Control for sure. Lee, and we keep talking about dogs, but this applies to all animals, correct? So, cats, dogs, whatever they are? Songe, yes. Barker, so is this action item to approve what's on this here? Leavins, the Ordinance will need to come back either way, so if you want to give directions to being able to control that recommendation through that as well, and that's something that Council wants to give direction on you can do that as well, either way. Weldon, Sherri has been doing this a long time. I'd like to see what she thinks about leaving the first offense the same and then raising the second one and like to get her input on what She thinks is fair and equitable. Songe, yeah, her and I actually talked about this, and that's kind of when we brought it forward because she does have quite

a few repeat offenders. Lee, does Sherri have a recommended amount? Songe, we didn't talk about just we talked about how low it was and how some of them like, especially the lady had talked, they've picked those dogs back up over and over and over and over because it's still affordable to do. So, it wasn't hindering them. McGowan, the ones that bit the lady. Songe, well you have the one that bit and then you have the two next door ones, so there's three of them that she keeps having to pick up and the one next door. McGowan, has it bitten again? Songe, no but it has been released though. Lee, I mean, if some members of Council feel we need to think on it more to come up with some numbers I'm comfortable with that. McGowan, yeah, Barker, yeah, I would like to, Bourque, I would like to because I would like to compare it to other cities as well. Songe, yeah, we will table it for the next meeting, the special called. Eckhoff, do you want staff to do the legwork or Council? Songe, I would say Council can do that. The Council can do the legwork and MiKayla said she'd like to compare it or do y'all want staff to send it? So, we can look at a variety of cities. Barker, I just think we need to do more research. McGowan yeah agreed.

C -5. Discussion and possible action to approve a Resolution authorizing the opening of a bank account at First Financial Bank, for the TDEM HMGP-DR-4572 Grant.

Songe, we are going to pass on this one, because we do not have to do that.

C -6. Executive Session:

- a. Pursuant to Section 551.074 of the Texas Government Code – Personnel Matters, regarding the Annual Evaluation of the City Manager**
- b. Pursuant to Section 551.071 of the Texas Government Code – Consultation with Attorney**

Mayor Songe closed the regular session at 7:48pm, and Mayor, Council, City Manager, and City Attorney adjourned to the Executive Session conference room.

C -7. Consideration of and possible action arising from or related to Executive Session under C-6, including action arising from the Annual Evaluation of the City Manager.

Mayor Songe reconvened the regular session at 8:06 pm. There is no actual action because his contract has already been extended, and I will state that we were provided with the certificates of everything in his probation that was required to be done and the certificates of completion for those classes. So, all terms of probation have been met.

C -8. Consideration of Adjournment

A motion to adjourn the meeting was made by Councilmember Barker, seconded by Councilmember McGowan. The Council voted five (5) for and none (0) opposed. **The motion carried; the meeting adjourned at 8:07 pm.**

These minutes were approved on November 7, 2024.

ATTEST:



Rachel Duplechain, City Secretary



Misty Songe, Mayor