

Minutes

City Council – Regular City Council Meeting

CITY OF SIMONTON

December 17, 2024

This is a true and correct copy of the Minutes of the City Council – Regular Meeting of the Simonton City Council held on December 17, 2024 at 6:30 p.m.

1. **Call to Order at 6:32 p.m.**

A quorum was present with the following City Council Members in attendance:

Kelli Carlson, Laurie Boudreaux, Courtney Cox, Faith Haley, Justin Boudreau and Burns Turner

City Staff present:

City Secretary Nanci Mohr

City Finance Julie Watts

Olson and Olson - City Attorney Philip Boedeker

Public Present:

Dan McJunkin, Llarance Turner (Kaluza Engineering/LCISD), Oscar Lopez, Jasmine B., Thomas Leder, Philip Leder, Susan LaDart and Barbara Minton.

2. **Invocation and Pledge**

Mayor Boudreaux gave the invocation.

Mayor Boudreaux led the assembly in the Pledge of Allegiance.

Additionally, Mayor Boudreaux thanked the guests and professionals for attending the meeting this evening.

3. **Public Comments**

None.

4. **Consider and take action on the Consent Agenda**

Items listed under the Consent Agenda are considered routine and are generally enacted in one motion. The exception to this rule occurs when a Council Member requests one or more items removed from the Consent Agenda for separate discussion and action.

a. Draft City Council Meeting Minutes of November 19, 2024 Regular Meeting.

Motion by Council Member Justin Boudreaux to approve November 19, 2024 Meeting Minutes. Motion seconded by Council Member Kelli Carlson. Council

Member Faith Haley wished to correct the minutes as they did not specifically include Council Member/Pro Tem Courtney Cox's question as to why financial reports were not included in Council's meeting packet and Mayor Boudreaux's response that they were not ready and that there would be a catch-up meeting in December to include several reports. Council Member Haley also stated that Mayor Boudreaux's statement that seating capacity will be increased is not included in the minutes.

Council Members Burns Turner, Faith Haley and Courtney Cox requested that Council's statements be added to the minutes. Council Member Burns Turner requested clarification as to the law regarding minutes.

City Attorney Philip Boedeker stated that minutes only require action items and the votes regarding same. He stated that it would be impossible for City Secretary Nanci Mohr to record every statement made verbatim, and that there is no requirement to record every statement. Mr. Boedeker stated that a summary of the discussion would suffice and that he recommends not requiring a full script of the meetings.

Amended Motion by Council Member Justin Boudreaux to approve November 19, 2024 Meeting Minutes subject to the above revisions. Motion seconded by Council Member Kelli Carlson.

Mayor Boudreaux reminded Council that it is acceptable to send revisions to City Hall prior to Council Meetings so that we may be prepared for additional discussion or amendment of same.

Ayes: Five

Noes: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed.

5. New Business

- a. Consider and take action on Final Plat Submittal for Lamar Consolidated ISD Campus Eight West.

Llarance Turner of Kaluza Engineers stated that he appreciates the Council taking the final plat submittal into consideration. He stated that the plat is in the ETJ (south and east lines of FM 359) and that LCISD will be using the site for future elementary and middle schools (Fall of 2026).

Motion by Council Member Burns Turner to approve Final Plat Submittal for Lamar Consolidated ISD Campus Eight West. Motion seconded by Council Member/Pro Tem Courtney Cox.

Ayes: Five

Noes: None

Abstain: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed unanimously.

- b. Audit Presentation FYE 2021-2022 by Natalie Ridley at Breedlove & Co., P.C. Consider and take action to approve same.

Ms. Ridley presented the 2021-2022 audit. Council Member Cox inquired who provided the information to the auditors. Ms. Ridley stated former City Administrator Jennifer Ward and current City Finance Julie Watts. Council Member Cox inquired when this took place. Ms. Ridley stated it has been an ongoing process, commencing in November 2023. Council Member Cox also requested a list of total assets.

A discussion ensued regarding the report being based on information received, engagement letters sent and received, a corrective action plan for failure to comply with Federal reporting requirements (filing timeliness) and whether that could affect future grant money, grant money being used for drainage issues in Valley Lodge, and whether this report is in draft or final form.

FOR THE FULL DISCUSSION PLEASE GO TO THE CITY'S FACEBOOK PAGE TO VIEW THE VIDEO.

Motion by Council Member Justin Boudreaux to approve the FYE 2021-2022 Audit. Motion seconded by Council Member Kelli Carlson.

Ayes: Two (Carlson and Boudreau)

Noes: Three (Cox, Haley and Turner)

Abstain: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion failed.

Further discussion ensued regarding grant administration, grant funds received and spent, if there is any missing required information, the wording in the disclosures, and banking and tax information. Council Member Faith Haley inquired how compliance may be affected, to which Ms. Ridley stated controls and procedures must be updated.

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Motion by Council Member Justin Boudreaux to approve the FYE 2021-2022 Audit. Motion seconded by Council Member Kelli Carlson.

Ayes: Three (Carlson, Boudreau and Turner)
Noes: One (Cox)
Abstain: One (Haley)
Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed.

- c. Consider and take action to approve Audit Invoice FYE 2021-2022.

Council Member Faith Haley requested an explanation of why the invoice was more expensive than anticipated. Ms. Ridley explained that it was due to an incomplete reporting of TMRS benefits by the previous City Administrator and the books were not in order under the *Government Auditing Standards*.

Motion by Council Member Burns Turner to approve Audit Invoice FYE 2021-2022. Motion seconded by Council Member Faith Haley.

Ayes: Four (Turner, Boudreaux, Carlson, Haley)
Noes: One (Cox)
Abstain: None
Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed.

- d. Audit Presentation 2022-2023 by Natalie Ridley at Breedlove & Co., P.C. Consider and take action to approve same.

Ms. Ridley presented the 2022-2023 audit, including monies spent for City Hall renovations. Council Member/Pro Tem Courtney Cox inquired who provided the information used by the auditors. Ms. Ridley stated City Finance Julie Watts and the former City Administrator. Council Member/Pro Tem Courtney Cox asked why \$100,000 was missing. Ms. Ridley explained that, according to their reconciliation, every transaction was reported, including \$18,661 due to the IRS and the overpayment to TMRS. Council Member/Pro Tem Courtney Cox confirmed that the audit was based upon information that the auditors received. A discussion between Council Member/Pro Tem Courtney Cox and Mayor Boudreaux ensued regarding net position. Ms. Ridley explained the administrative fees and expenses.

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Motion by Council Member Kelli Carlson to approve Audit Presentation 2022-2023. Motion seconded by Council Member Justin Boudreaux.

Ayes: Three (Carlson, Boudreau and Turner)
Noes: Two (Cox and Haley)
Abstain: None.

Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed.

- e. Consider and take action to approve Audit Invoice FYE 2022-2023.

Council Member Faith Haley questioned why this invoice is even higher. Mayor Boudreaux and Council Member Kelli Carlson both stated that it is \$2,000 less.

Motion by Council Member Kelli Carlson to approve Audit Invoice FYE 2022-2023. Motion seconded by Council Member Justin Boudreaux.

Ayes: Four (Carlson, Boudreau, Haley and Turner)

Noes: One (Cox)

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed.

- f. Consider and take action to approve Audit Proposal for FYE 2024.

Council Member Cox asked what the proposal entails, including costs. Ms. Breedlove explained that the audit is estimated to cost between \$15,000-\$17,000. Council Member/Pro Tem Courtney Cox asked that we revisit the issue at a later date. Mayor Boudreaux stated that if Council choses not to accept the proposal, the City could possibly have an untimely audit next year and an action plan needs to be prepared for fiscal years to flow properly.

Motion by Council Member Kelli Carlson to approve Audit Proposal for FYE 2024. Motion seconded by Council Member Burns Turner. A discussion ensued.

Ayes: Three (Carlson, Boudreau and Turner)

Noes: One (Cox)

Abstain: One (Haley)

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed.

Mayor Boudreaux and Council Member Kelli Cox signed the checks in payment of both audits.

- g. Consider and take action regarding Impress Computer's Annual Statement.

Mayor Boudreaux explained the charges and that some costs have been reduced due to the elimination of extraneous email addresses. Council Member/Pro Tem Courtney Cox asked if this statement covers one year or four years. A discussion ensued regarding the number of computers, email addresses and license terms.

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Motion by Council Member Justin Boudreaux to approve Impress Computer's Annual Statement. Motion seconded by Council Member Faith Haley.

Ayes: Four (Carlson, Haley, Boudreau and Turner)

Noes: One (Cox)

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed.

h. Financial Reporting Update.

Mayor Boudreaux stated this is the catch-up meeting referenced in the last Council Meeting. City Finance Julie Watts provided a report that everything is now in Fundview and ninety percent (90%) reconciled. Mayor Boudreaux reiterated that reconciliation is not quite complete, but that reports will be provided in January when a completed reconciliation is anticipated. A discussion ensued regarding Peacock's Fundview access and reporting in the future, improper coding, questionable Ardurra fees and reduced attorney fees.

i. Discuss and take action to appoint two new members to the Keep Simonton Beautiful Commission.

Council Member Kelli Carlson stated that Abbie Ferguson and Erica Molina have been elected to the Keep Simonton Beautiful Commission, provided that Council approves same. She stated that both new members will need to be sworn in by City Secretary Nanci Mohr.

Motion by Council Member Justin Boudreaux to appoint Abbie Ferguson and Erica Molina to the Keep Simonton Beautiful Commission. Motion seconded by Council Member Burns Turner.

Ayes: Five (Carlson, Cox, Haley, Boudreau and Turner)

Noes: None:

Abstain: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed unanimously.

j. Discuss and take action regarding Resolution 2024-10: A Resolution of the City Council of the City of Simonton, Texas, Authorizing the Mayor to Execute Settlement Release Documents with Retail Pharmacy Kroger, as an Additional Settling Party Within the National Opioid Settlement Participation Previously Authorized by the City.

City Attorney Philip Boedeker provided an explanation of the opioid crisis and

need for the resolution.

Motion by Council Member Burns Turner to approve Resolution 2024-10.

Motion seconded by Council Member Justin Boudreaux.

Ayes: Five (Carlson, Cox, Haley, Boudreau and Turner)

Noes: None

Abstain: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed unanimously.

- k. Discuss and take action regarding City Hall expansion project/ADA approved restroom construction.

Mayor Boudreaux provided an update regarding the change orders and architectural expenses related thereto (plumbing, waterline, HVAC system, reusing chambers doors, and ADA-approved restroom requirements due to increase capacity in chambers). A discussion ensued regarding original contract amount versus original ARPA grant amount, as well as anticipated items (remobilization, i.e., large dumpster rental, scissor lift for lighting, Council bench façade, ceiling materials).

Mayor Boudreaux listed upgraded lighting as the last item for Council's consideration. There was a discussion regarding lighting options (ballasts, LEDs). Community Member Susan LaDart offered her opinion and experience with installation of LED lighting. A lengthy, heated discussion ensued (including LJA Assistant Project Manager Shanna O'Hara) regarding contract prices and lighting needs considering the ADA-compliant restroom requirement and where previous budget approvals were located.

Mayor Boudreaux stated that consensus was received from Council to proceed with upgraded lighting (including changing the fixtures) and the upgraded Council bench façade. A heated discussion continued.

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- l. Discuss and take action regarding Centerpoint Energy's Application for Approval to Amend its Distribution Cost Recovery Factor.

Mayor Boudreaux explained Centerpoint's proposal and that we will be advised by legal counsel to take no action. Council consensus provided to take no action.

- m. Discuss and take action regarding Fort Bend County Precinct 1 Plans for Daily Park.

Motion by Council Member Kelli Carlson to approve Fort Bend County Precinct

1 Plans for Daily Park. Motion seconded by Council Member Courtney Cox.

Ayes: Five (Carlson, Cox, Haley, Boudreau and Turner)

Noes: None

Abstain: None

Present and not voting except in the event of a tie: Mayor Boudreaux.

Motion passed unanimously.

- n. Discussion re City Administrator position.

Mayor Boudreaux reiterated Council's previous approval (during budget development and again when budget was voted upon) to advertise and hire a City Administrator when a suitable candidate is found. Council again gave consensus.

6. Adjourn to Executive Session – Council did not adjourn.
Section 551.071 - Consultation with Legal Counsel
7. Reconvene to Open Session at 9:03 p.m. – Council did not reconvene.
8. Consider and take action resulting from Executive Session - None.
9. Reports
- a. *EDC A Board and EDC B Board Updates* – none.
 - b. *Keep Simonton Beautiful Updates* – Council Member Kelli Carlson stated that Round Up was great, and that it was successful despite the weather. She stated that Christmas lights will be judged this coming weekend.
 - c. *Mayor* – Mayor Boudreaux thanked volunteers who assisted with decorating the City and Round-Up. Mayor Boudreaux mentioned the hot water heater malfunction and proposal for same. She will provide an update at a later date.
 - d. *City Attorney* – City Attorney Phil Boedeker appreciates the past year.
 - e. *City Staff* – none.
 - f. *City Council* – none.
10. **Next City Council Meeting date is not finalized as meeting room availability is pending.**
11. **Adjournment**
Mayor Boudreaux adjourned the City Council Meeting at 8:52 p.m. without objection.

Respectfully submitted,

Laurie Boudreaux

Mayor Laurie Boudreaux

Nanci Mohr

Nanci Mohr, City Secretary

