

Minutes

City Council – Regular City Council Meeting

CITY OF SIMONTON

September 24, 2024

This is a true and correct copy of the Minutes of the City Council – Regular Meeting of the Simonton City Council held on September 24, 2024 at 6:00 p.m.

1. **Call to Order at 6:02 p.m.**

A quorum was present with the following City Council Members in attendance:
Kelli Matula, Laurie Boudreaux, Courtney Cox, Faith Haley, Justin Boudreau and Burns Turner

City Staff present:

City Secretary Nanci Mohr
Olson and Olson Attorney Philip Boedeker

Public Present:

Dan McJunkin, Kristi Smith, Dub Sabrsula, Ben Krail, Angela King, Kevin Malo, Jeff Nelson, Stacey Gootee and Sara Dvorak.

2. **Invocation and Pledge**

Mayor Boudreaux gave the invocation.
Mayor Boudreaux led the assembly in the Pledge of Allegiance.

3. **Public Comments**

Kristi Smith stated that Council is not listening. She stated that a \$0.21 ad valorem tax rate and spending funds in reserves is not a good idea. Mrs. Smith stated that she drove through Simonton taking notes regarding broken roads, junk vehicles, missing signs, incomplete homes, the use of RVs as homesteads, burning construction debris, multi-family use of single-family homes, and improper temporary fencing. Ms. Smith was prepared to present photographs of code violations, requesting that said photographs be held confidential by Council, the Mayor and the City Secretary. City Attorney Philip Boedeker stated that by presenting the photographs they become public record under the Open Meetings Act. Mrs. Smith handed the photographs to City Secretary Nanci Mohr.

Ben Krail inquired as to who will be performing accounting functions. He stated that \$70K in legal fees is too high, and that Council needs to be held accountable for utilizing too much of the City Attorney's billable time. Mr. Krail stated that CIA Services (POA) is a waste of money as violation letters are ignored, and that the \$0.21 ad valorem tax rate is not high enough for debris clean up and road repairs.

Angela King remarked that she believes the Council is not working for their constituents

and that the City means more to the community than the \$0.8 tax difference. Mrs. King requested that Council not cut funding for emergency management, Keep Simonton Beautiful and zoning. She stated that the proposed \$0.21 tax rate will cause the City to be in a deficit that will take four year to recover.

Sarah Dvorak stated that she is praying for the City and loves the City. Ms. Dvorak stated that the three Council Members that she voted for are representing the community. Ms. Dvorak was interrupted several times, to which Mayor Boudreaux and City Attorney Philip Boedeker stated that it was Ms. Dvorak's time to speak and to please not interrupt. She requested that Council not be disparaged in the public.

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 September 16, 2024 Special Meeting.

Council Member Faith Haley took umbrage with the use of the word "homemade" in the Minutes referencing Council Member/Pro Tem Courtney Cox's version of the budget stating that it was "very disrespectful." City Secretary Nanci Mohr stated that she in no way intended to be disrespectful and used the word "homemade" to differentiate (between the four proposed tax rates). Mayor Boudreaux asked City Secretary Nanci Mohr if she would like to push the September 16, 2024 Special Meeting Minutes to the next Council meeting or simply remove the offending word ("homemade"). City Secretary Nanci Mohr agreed to remove "homemade" from the record.

Motion by Council Member Faith Haley to approve (a) Special Meeting Minutes.
Seconded by Council Member Kelli Matula.

Ayes: Five

Noes: None

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

Motion approved unanimously.

b. Draft City Council Meeting Minutes of September 17, 2024 Regular Meeting.

Motion by Council Member Faith Haley to approve (b) Regular Meeting Minutes.
Seconded by Council Member Burns Turner.

Ayes: Five

Noes: None

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

Motion approved unanimously.

5. New Business

a. Discussion regarding the public's misconception of the Approved Budget.

Mayor Boudreaux provided a detailed explanation of encumbered amounts for engineering, consulting, zoning, roads and facilities. Mayor Boudreaux stated that internet and telephone have been removed, and that the \$200,000 in encumbered funds for roads will fund approximately one-half of a mile of roadway. The Mayor stated that EDC A, EDC B and Keep Simonton Beautiful budgets have been removed, and that the committees will meet to determine the next steps according to law. Council Member Faith Haley stated that telephone and internet budgets were removed from facilities as they were already listed under administrative. A debate among community members in response ensued. Mayor Boudreaux stated this is not time for open discussion. Mayor Boudreaux stated that a Council Member can amend a proposed budget. City Attorney Philip Boedeker confirmed same.

Council Member Kelli Matula requested that Mayor re-read the roadwork portion of the encumbered funds discussion. Mayor Boudreaux stated that there are three roads scheduled with the \$200,000 funds, and that .25% of sales tax will be collected for roadwork.

Council Member/Pro Tem Courtney Cox stated the property values almost tripled, so even at a \$0.21 ad valorem tax levy, the City has "the largest spending budget that we have had in Simonton." She stated that even with the past \$0.45 tax rate, the property values were lower. She stated that the money for roads is there, it has been collected and previously not spent. Council Member/Pro Tem Courtney Cox stated that a \$0.21 tax rate gives the people back \$300 of their money. She stated that in an emergency, the committees have the money available, but they have not yet presented a budget to Council.

Community Member Karen Long asked where the KSB money comes from if Council has already adopted the budget. Mayor Boudreaux asked City Attorney Boedeker if KSB specifically could be discussed with regard to the budget. City Attorney Philip Boedeker stated it could be discussed as it is an agenda item and as long as no action is attempted to amend the budget or change line items in the budget. Mayor Boudreaux stated that KSB funds come mainly from sponsorships and vendor booth fees and Home Tour tickets. She stated that KSB has a \$0 budget, KSB cannot pay for the tent for Christmas Round Up without coming to Council first. Council Member Kelli Matula stated that KSB generates its own funding. She stated that Council is micromanaging Keep Simonton Beautiful ("KSB") and that KSB will now have to request Council's permission for funds they (KSB) raised. Council Member/Pro Tem Courtney Cox stated this is how it has been in the past. A community discussion in response ensued.

Community Member Sarah Jordan asked what administrative looks like? Mayor Boudreaux responded City Secretary Nanci Mohr and City Finance Specialist Julie Watts.

Community Member Stacey Gootee stated that budgets are customarily prepared anticipating the funds you plan to spend and that adjusting the budget later is frowned upon by auditors. Council Member Kelli Matula stated that the Budget should be the City's overall plan for the year and it is not. Mayor Boudreaux stated that, agreed or not agreed, the Budget has been adopted and that is our plan.

Community Member Dub Sabrsula questioned whether the \$0.21 ad valorem tax rate will accommodate the City's needs next year in relation to projects and encumbered funds. Mayor Boudreaux responded that the \$0.21 tax rate and funding of items with previously encumbered funds are not related. Mayor Boudreaux stated no.

Community Member Sarah Dvorak questioned whether 3% budget increase a year is possible with super majority electoral power. City Attorney Philip Boedeker discussed the simple explanation of the voter approval rate, no new revenue rate, and working within the adopted budget and associated tax triggers resulting therefrom.

Community Member Sarah Jordan asked why the City collects taxes and what the vision is for the City in the future. City Attorney Philip Boedeker stated that these questions are outside the scope of the agenda. Mayor Boudreaux stated that those questions will need to be addressed at a future City Council meeting.

Community Member Kristi Smith addressed foreclosures in relation to appraisals and tax protests. Mayor Boudreaux stated both of those scenarios are included in the tax rolls.

- b. Discussion and action to approve the 2024-2025 Ad Valorem Tax Rate (Record Vote).
 1. Maintenance & Operations portion of the 2024-2025 Ad Valorem Tax Rate (Record Vote).

Motion by Council Member Kelli Matula to approve a \$0.29 ad valorem tax rate. Seconded by Council Member Justin Boudreau.

Council Member Kelli Matula: Aye

Council Member/Pro Tem Courtney Cox: Nay

Council Member Faith Haley: No

Council Member Justin Boudreau: Yes

Council Member Burns Turner: No

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

Motion failed.

Motion by Council Member Justin Boudreau to approve a \$0.25 ad valorem tax rate. Seconded by Council Member Kelli Matula.

Council Member Kelli Matula: Aye

Council Member/Pro Tem Courtney Cox: No

Council Member Faith Haley: No

Council Member Justin Boudreau: Yes

Council Member Burns Turner: No

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

Motion failed.

Council Member Kelli Matula thanked the community for their involvement and support. She stated that she and Council Member Justin Boudreau boycotted the September 17, 2024 meeting as the budget and tax rate are ill-thought out and the budget is poorly managed and not taking into account where the City is today. She stated that there are already growth challenges and the budget is based upon 2016 numbers. Council Member Kelli Matula said the current budget will force the City to deplete its resources and is fiscally irresponsible. She stated that it will not support the committees and that it will take years to recover. Council Member Kelli Matula stated that she and Council Member Justin Boudreau do not agree with the \$0.21 tax rate, but they felt that \$0.21 is better than zero, which is the result if the remaining council members did not ratify the default tax rate.

Council Member Kelli Matula stated that the community desires a higher rate, but opined that other Council members are not working for the citizens. She stated that the reserves will be depleted by \$500,000 and Keep Simonton Beautiful by \$6,000. She stated that all technology has been cut from the budget and does not take into account any inflationary measures. Council Member Kelli Matula stated that KSB is risking having to cancel Christmas Round Up and Home Tour due to lack of budgeted funds. She does not believe Fort Bend County will come to Simonton to repair one-half a mile of road, and that it will take four years to recover from the \$0.21 tax rate.

Council Member Justin Boudreau stated that he and Council Member Kelli Matula boycotted because he does not agree with the tax rate being so low when the Texas average is \$0.47. He said that tax rate doesn't include the debt service portion, which would increase the tax rate. He stated that defunding emergency services did not sit right with him, but he wants to do the best he can for the people who voted for him.

Council Member Faith Haley stated that the people who voted for them (presumably Council Members Cox, Haley and Turner) would be crazy to attend this meeting tonight. She stated that those people are so nice, they don't want to come to the meeting, but do want their taxes lowered.

Motion by Council Member/Pro Tem Courtney Cox to approve a \$0.21 ad valorem tax rate. Seconded by Council Member Burns Turner.

Council Member Kelli Matula: Nay
Council Member/Pro Tem Courtney Cox: Yes
Council Member Faith Haley: Yes
Council Member Justin Boudreau: Nay
Council Member Burns Turner: Yes
Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed.

2. Debt Service portion of the 2024-2025 Ad Valorem Tax Rate (Record Vote).

Motion by Council Member Justin Boudreau for \$0.00 Debt Service Tax Rate. Seconded by Council Member/Pro Tem Courtney Cox.

Council Member Kelli Matula: Yes
Council Member/Pro Tem Courtney Cox: Yes
Council Member Faith Haley: Yes
Council Member Justin Boudreau: Yes
Council Member Burns Turner: Yes
Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed unanimously.

c. Discussion and action to approve Ordinance 2024-07 - An Ordinance of the City of Simonton to adopt and levy the 2024-2025 Ad Valorem Tax Rate of \$0.21 per \$100 dollars of valuation (Record Vote).

Motion by Council Member/Pro Tem Courtney Cox to approve Ordinance. Seconded by Council Member Burns Turner.

Council Member Kelli Matula: Nay
Council Member/Pro Tem Courtney Cox: Yes
Council Member Faith Haley: Yes
Council Member Justin Boudreau: Nay
Council Member Burns Turner: Yes
Present and not voting except in the event of a tie: Mayor Boudreaux.
Motion passed.

d. Budget Adjustment FY 2023-2024 passed to next Council Meeting on October 1, 2024.

5. Adjourn to Executive Session at 6:43 p.m.

Section 551.071 - Consultation with Legal Counsel

Executive Session was not held.

6. The City Council reconvened to Open Session.

Council did not reconvene as Executive Session was not held.

7. Reports

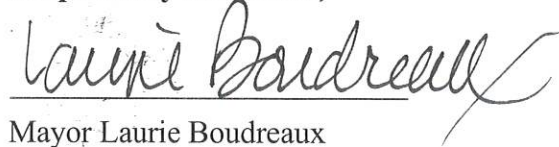
- a. *Mayor - None*
- b. *City Attorney*
- c. *City Staff – None.*
- a. *City Council – Council Member Kelli Matula requested volunteers with chainsaws and tractors for the KSB/POA trash clean up on October 6, 2024. She stated that December 7, 2024 is the date for Christmas Round Up.*

10. Next City Council Meeting is on October 1, 2024 at 6:30 p.m.

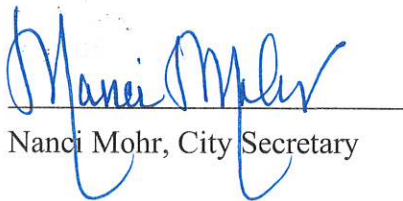
11. Adjournment

Mayor Boudreaux adjourned the City Council Meeting at 7:23 p.m. without objection.

Respectfully submitted,



Mayor Laurie Boudreaux



Nanci Mohr, City Secretary

