



CITY COUNCIL MEETING REGULAR SESSION – MINUTES INCL. 3 ATTACHMENTS
Tuesday, November 14, 2023, 6:00 PM

MPR EVENT CENTER – 60 MORGAN'S POINT BLVD

To View the meeting go to: www.MorgansPointResortTX.com/YouTube

1. Call to Order, Invocation, & Pledge of Allegiance

Mayor, Dennis Green, called meeting to order at 6:00 PM

PRESENT

Dennis Green
Dorothy Allyn
Jimbo Snyder
Pat Clune
Roxanne Stryker
Stephen Bishop

2. Announcement and Citizen Comments

This is an opportunity for members of the public to suggest the addition of topics for the discussion, or to address topics of interest, with the presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. All speakers will be recognized prior to speaking and will announce their name and address to be included in the minutes. State law prohibits the Mayor and Members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law.

(Video 2:45)

Boy Scouts representative gave a brief update on projects on which they have been working on along with information virtual bake sale.

(Video 5:50)

Wendy Croft, 18 Beachcomber, MPR -

Expressed her concerns with residents not following City Ordinances and city officials not enforcing them equally to all residents who are in violation.
Made complaint about a MPR police officer.

Denise Seibert, 114 Great West Lp, MPR -

Congratulated the city on receiving the Pathways grant.
Suggested the traffic circle or improved four-way gets completed quickly so sidewalks do not have to be re-paved. It will also improve the traffic safety at the “4 corners”.

Larry Hartman, 112 Great West Lp, MPR -

Had a question about the razor wire, which used to be on the fence where the new water tank is, being replaced on the new fence. Jesse Measles, Utility Director, stated that according to TCEQ rules because the fence is 8 feet in height, razor wire is not required.

He also thanked the five members of the City Council for the pace they are going when it comes to making high level decisions.

Jimanne Durkee, 54 S Cliffwood Cr, MPR -

Commented on the success of the art show and thanked the City Council, volunteers, and donors. Gave a special thanks to Pam Robinson, Library Chairperson, and the artists for their hard work and great turn out at the Art Show.

a. Club and Organization Reports

N/A

3. Consent Agenda

All items under this heading are considered to be routine and may be enacted by one motion unless the Mayor or a Councilmember request that an item be removed for separate discussion.

Any item removed from the Consent Agenda will be considered immediately following the motion to approve the Consent Agenda.

a. Discuss and Consider - Approval of October 10 Regular Session Minutes

b. Discuss and Consider - Approval of October 17 Special Session Minutes

(Video 14:10)

Motion made to discuss items on the Consent Agenda

Motion made by Allyn, Seconded by Clune.

Council Member Allyn thanked our City Secretary, Camille Bowser, for expediting our ability to review minutes. Also, would like the agendas and minutes headings to include the word "Agenda" on the agenda and "Minutes" on the minutes.

Motion to accept Consent Agenda items with revisions

Motion made by Allyn, Seconded by Bishop.

Voting Yea: Snyder, Clune, Stryker

Passed

4. Committee Reports

a. Library Board Report

(Video 16:05)

Pam Robinson, Mary Ruth Briggs Library Chairperson -

Reminded everyone about the next Elder Explorers date: Thursday, November 30th.
Donations will also be accepted for COPS Silver Santa Stockings

Mayor Green thanked Pam for her leadership and success of our Art Show.

b. Planning and Zoning Committee Report

(Video 16:49)

Rebecca Cooley, P & Z Chairperson -
Gave summary of October 24th P & Z meeting.
Date for next P & Z meeting: December 5th

c. Parks and Recreation Committee Report

Committee not yet formed

d. Ladies Auxiliary

See Packet

e. EDC Report

See Packet

f. COPS Report

N/A

5. Department Reports

a. Maintenance Department Report

See Packet

b. Communication & Marketing Department Report

See Packet

c. Fire Department Report

(Video 18:18)

Council Member Allyn congratulated Chief Taran Vaszocz on record fast response time within MPR city limits and praised the department's teamwork managing the fire at 2483 and 317

Chief Vaszocz went into further details in reference to the 2483/317 fire.

Vaszocz also gave a reminder about the dangers of wildfires and the despite recent rains we are still under a wildfire threat.

Advised that the City of MPR has been designated a "Firewise Community"; there will be information about Firewise in next month's packet.

The fire department also received another wildfire grant for \$12000 to \$13000.

Lady Auxiliary is having a bake sale, November 18th.

d. Finance Department Report

See Attachment

e. Marina Department Report

See Packet

f. Water Department Report

(Video 20:40)

Jesse Measles, Utility Director - Summary was given about the water main leak repair.

Mayor Dennis Green thanked the department for their hard work.

g. Code Enforcement Report

See Packet

h. Police Department Report

See Packet

6. Regular Agenda

a. Discuss and Consider - Contract Extension with CTCOG for Interim City Management Services

(Video 22:25)

Interim City Manager Nelson provided an update to the council

Motion made to approve extension with CTCOG for Interim City Manager Services to January 15, 2024, with a caveat that we might need a second extension.

Motion made by Allyn, Seconded by Bishop.

Voting Yea: Snyder, Clune, Stryker

Passed

b. Discuss and Consider - City Manager Vacancy and Search Process

(Video 24:50)

Motion to Discuss –

Motion made by Stryker, Seconded by Snyder

Voting Yea: Clune, Bishop, Allyn

Passed

Discussion included options to contract with external recruiting firms, including CTCOG, for City Manager candidates and a tentative timeframe for this process. Logistically, we will finalize our 23-24 Priorities and Goals, review and update our City Manager position description and research external firms.

Motion made to have CTCOG provide a presentation at the December 12th council meeting on what recruiting services they may be able to provide

Motion made by Stryker, Seconded by Allyn.
Voting Yea: Snyder, Clune, Bishop
Passed

c. Discuss and Consider - Implementing Staggered Terms

(Video 33:05)

Motion to Discuss and Consider

Motion made by Allyn, Seconded by Stryker

Voting Yea: Snyder, Clune, Bishop

Passed

Interim City Manager Nelson provided an update to the council on communications that are ongoing as well as information received from Neale Potts, City Attorney and TML Staff Counsel.

Nelson is recommending Council not implement staggered terms at this time as an off year election in May, 2024 would be required and as a part-time Interim City Manager does not have the capacity to do this effectively.

Motion to table staggered terms discussion and action until additional information is obtained

Motion made by Stryker, Seconded by Allyn.

Voting Yea: Snyder, Clune, Bishop

Passed

d. Discuss and Consider - Assembling Parks & Recs Committee

(Video 37:00)

Motion to Discuss and Consider

Motion made by Bishop, Seconded by Snyder

Voting Yea: Allyn, Clune, Stryker

We have 15 applications for 7 positions. These applications will be sent to Council by Nelson this week to allow time for review before consideration.

Motion to postpone the selection of the committee members until our December 12th Council meeting

Motion made by Allyn, Seconded by Stryker.

Voting Yea: Bishop, Clune, Snyder

Passed

c. Discuss and Consider - Setting a Date for a Joint Workshop between P&Z and City Council

(Video 38:30)

Interim City Manager Nelson provided additional information on the need for the joint workshop and agreed to provide A&M Planning Association information to both council and P&Z.

Motion to have the Joint Planning and Zoning and City Council Workshop to discuss and set priorities for the Planning and Zoning Commission following the January Planning and Zoning Commission on January 23, 2024.

Motion made by Snyder, Seconded by Clune.
Voting Yea: Allyn, Stryker, Bishop
Passed

- f. Discuss and Consider - Changing the name of Camp Kachina Road

(Video 43:37)

Interim City Manager Nelson provided information on the request received from Camp Kachina to change the road name. There are 8 addresses involved, 7 of which are vacant lots. Costs to our city are minimal and CTCOG will handle change implications and communications.

Motion made to change the road name of Camp Kachina Road to Morgan's Point Road in the city limits.

Motion made by Snyder, Seconded by Stryker.
Voting Yea: Allyn, Clune, Bishop
Passed

- g. Discuss and Consider - Change Order Requests for Water Storage Tank/Pump Station Project

(Video 46:46)

Motion to Discuss and Consider

Motion made by Stryker, Seconded by Allyn.
Voting Yea: Snyder, Clune, Bishop

Passed

This \$4 million project was approved without a contingency, so all changes need Council approval. In the future, all major projects should be evaluated for the need for a contingency. These change orders are required for TECO compliance, access, and safety. Clarification was requested and received on the \$100,000 cash and allowance which has already been identified to be for Electrical Service Allowance - \$20,000 and Scada Allowance - \$80,000.

Motion made to approve change order requests

Motion made by Allyn, Seconded by Snyder
Voting Yea: Stryker, Bishop, Clune

Passed

- h. Discuss and Consider - Filling position as Small and Rural Technical Advisory Committee Representative

(Video 49:11)

Interim City Manager Nelson provided information to the council on the request.

Motion made to ratify action taken to recommend Councilmember Snyder to the KTMPO Policy Board for Consideration.

Motion made by Allyn, Seconded by Stryker.
Voting Yea: Snyder, Clune, Bishop
Passed

7. City Manager's Updates

a. Project Updates

(Video 51:45)

See Attachment

Interim City Manager Nelson provided updates on the lease with the USACE; Annual inspections at the parks and Marina by the USACE, the status of construction and mitigation at the cave found during construction at the Cliff of Lake Belton Phase II, the City Evacuation Plan efforts, and provided a reminder to council members on personnel policy 2.13.05 regarding council to staff communications.

b. Audit Updates

(Video 56:48)

See Attachment

Interim City Manager Nelson and Chief Financial Officer Erskine provided an update on the status of the FY21, 22, and 23 audits as well as an updated timeline for expected audit reports.

Items for Future Agendas

(Video 1:13:11)

City's preparation for the April 1, 2024, eclipse. Interim City Manager Nelson will reach out to Chief Schuetze to create a presentation in reference to the eclipse of April 2024 at the January or February 2024 meeting.

8. City Council Comments

(Video 1:14:25)

9. Executive Session

The City Council reserves the right to adjourn, to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.

N/A

10. Discussion of and possible action resulting from Executive Session

N/A

11. Adjournment

All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as

authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).


(Video 1:17:52)

Motion to Adjourn

Motion made by Snyder, Seconded by Clune.
Voting Yea: Allyn, Stryker, Bishop
Passed

Meeting adjourned at 7:18 PM

I certify that a copy of the 11/14/2023 agenda of items to be considered by the Morgan's Point Resort was posted and could be seen on the City Hall bulletin board and Morgan's Point Resort website on the 11/9/2023 at 4:00PM and remained posted continuously for at least 72 hours succeeding the scheduled time of the meeting. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-742-3206 for further information.



Dennis Green, Mayor
City of Morgan's Point Resort, TX

ATTEST:



Camille Bowser, City Secretary
City of Morgan's Point Resort, TX

INTEROFFICE MEMORANDUM

TO: CITY OF MORGANS POINT RESORT MAYOR AND COUNCIL

FROM: URYAN NELSON – INTERIM CITY MANAGER

SUBJECT: UPDATE

DATE: 11/14/2023

CC: FILE

This memo acts as a high-level summary for your informational purposes. If you desire greater detail than is offered here, do not hesitate to contact me or set up a meeting.

Personnel:

Things continue to work well with staff, and they continue to accomplish their daily tasks.

Fiscal Issues:

I have received an update on the financial audits and will provide greater detail of this in an issue paper to the council.

We are still waiting for a determination on the Hazard Mitigation Grant award for the generators that were purchased.

The lease with the Corps of Engineers has been signed and returned. Upon receipt they notified me that they are going to remove part of Condition 32.c. stating that the City will provide USACE with a slip at no cost. The contract officer believes the lake will go ahead and pay the slip rental fee as they have been.

Miscellaneous Issues:

Required inspections with USACE and the city for Kleypas and Oakmont Parks are being conducted on the 14th and 15th. Once these inspection reports are complete this information will be shared.

Work is still stopped where the cave opening was discovered during construction at the Cliffs of Lake Belton Phase II. Our engineer has been in contact with the project engineer and developer and has been notified that this cave formation in this part of the state will not need any regulatory oversight; this is strictly an engineering issue. The developer is currently in the process of executing a contract with a geophysicist to do a microsurvey scan of the area to do some investigations. Additionally, they are bringing a biologist on board to ensure that there are no endangered species in the cave. They have concurred with our assessment to issue the stop work order in the vicinity of the cave while they perform these investigations. Prior to MPR issuing a continuation of work, they will need to provide us with a copy of the mitigation plan, geophysicist microsurvey report, and environmental report for the City's review and approval. The in-ground survey of the area around the "feature" is scheduled to begin Monday and wrap up on Tuesday of next week. We estimate receiving additional information on this after the Thanksgiving holiday.

A request was sent to Chiefs Schuetze and Vaszocz to start looking into what was needed for the city to develop an evacuation plan. Chief Vaszocz has sent some documents relating to FEMA guidance for these plans as well as

some potential next steps, I am currently reviewing this information and will meet with the Chiefs Schuetze and Vaszocz in the coming weeks to start moving forward on this.

Moving Forward:

As a reminder; city policies prohibit the communications of the Council with staff for work purposes; I have included the specific policy for your reference below. If you have specific needs, or questions as they relate to work staff are doing, please share this information with me and I will communicate this with the appropriate staff and follow up with you. By routing your communications through the city managers office this will ensure that city management are aware of the request as well ensure that we are following the city policy as it pertains to communication.

2.13.05 Council to Staff. Except for the purpose of inquiries and investigations the council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the Manager. Neither the council nor any of its members shall give work instructions or orders to any City officer or employee, either publicly or privately, unless specifically authorized.

INTEROFFICE MEMORANDUM

TO: CITY OF MORGANS POINT RESORT MAYOR AND COUNCIL

FROM: URYAN NELSON – INTERIM CITY MANAGER

SUBJECT: AUDIT UPDATE

DATE: 11/14/2023

CC: FILE

As I understand the FY21, 22, and 23 audits are a priority to the council and the citizens of Morgan's Point Resort, I am providing this issue paper on the audits as a reference to the events that led to the delays in the auditing reports being issued. This paper will demonstrate what actions have occurred up to today's date as well as an updated audit report issuance timeline.

On January 10, 2023, an engagement letter was executed between the city and Brooks Watson to perform the audits and provide the audit reports for fiscal years 21 and 22 prior to September 30, 2023. Since that time, there have been additional changes in the process that was being used and additional documentation has been required to get an accurate depiction of a starting balance for the audits.

At the February 14, 2023, council meeting a budget amendment was approved for the city to transition from Incode to Fundview for auditing purposes. Following this amendment, it took until April 15, 2023, for the Fundview software to be live and the conversion to be realized. Following the conversion, an engagement letter was executed with Peacock Consulting to complete the bank record/ transaction reconciliation of FY20 funds to use as a starting balance for the FY21 and 22 audits, and on August 11, 2023, the required bank records were reconciled through September 30, 2020.

Following the receipt of the reconciled records, Brooks Watson began the audit process of the beginning balances for FY2020 and FY 2021. Since they started the process there have been a number of conversations between Cary and Brooks Watson in regard to transactions and journal entry corrections for funds that were not entered and tracked in the Incode system appropriately which has directly had a negative impact on the timing of the audit completion and pushed the estimated timeframe for completion to December 2023.

Cary and I spoke with the audit firm in detail on November 13, 2023 to get an accurate estimate of the current timeline for delivery of the audit reports for fiscal years 21, 22, and 23. During the call we were advised that due to the need to correct some of the entries that were made in the software incorrectly, the new timeline for an audit report for FY21 was going to be prior to the end of December. We also discussed the revised timeline for starting the FY22 audits, which the audit firm anticipated would begin sometime in April. The reason for this delay in the schedule is due to other municipalities already having contracts in place to perform their regularly scheduled audits between year end and March. After some additional conversation, it was determined that the audit firm would try to roll from FY21 directly into FY22, but depending on schedules, and availability of their staff, due to other commitments this may not be doable, and they may not be able to begin with certain aspects of the audit until sometime in February, with an audit report being issued sometime in the second quarter of Calendar Year 2024.

Additionally, prior to the start of the FY23 audits the council will need to take action to authorize the city to enter an agreement with Fundview to convert all records for the FY23 audit from Incode to the Fundview system. At this time, it is estimated that the FY23 audit report will be made in the 3rd quarter of Calendar Year 2024.

City staff and I are committed to ensuring these audit reports are delivered to the council as early as possible.

Please feel free to reach out to me with any questions or the need for any clarification.

Bank and Investment Account Balances – City of Morgan’s Point Resort October 2023

ACCOUNTS	BEGINNING OF MONTH BALANCE	END OF MONTH BALANCE	INTEREST RATE	INTEREST EARNED THIS MONTH
Operating Account	\$257,415.15	\$132,622.38	5.66%	\$1,141.87
Sweep Account	\$4,690,006.09	\$4,567,675.74	5.66%	\$23,110.05
Open Edge (over counter)	\$4,234.86	\$2,057.64	0.30%	\$2.13
Open Edge (online)	\$2,423.59	\$2,932.79	0.30%	\$5.03
Sum of Cash Accounts	\$4,954,079.69	\$4,705,288.55		\$24,259.08
Tex Pool Prime	\$197,834.15	\$198,772.81	5.60%	\$938.66
Sum of Available Cash and Investments	\$5,151,913.84	\$4,904,061.36		\$25,197.74
Tex Pool Interest & Sinking - Restricted	\$21,089.97	\$21,185.96	5.37%	\$95.99

The open edge accounts have funds transferred to the operating account around the last day of the month.
 No transfer of funds between the operating and sweep account will occur unless needed to maintain a minimum balance.

As always, please call me or come by to visit if you have any questions about anything related to the City’s finances.

V:\Old Finance\Cary\Cash\2024 Cash Balances - Provided to Council.xlsx\Oct 24

Cash Balances Year over Year – City of Morgan’s Point Resort October 2023

Sum of Available Cash and Investments as of October 31, 2023	\$4,904,061.36
*Remaining Restricted Fund Balance per 9/30/2018 Audit	\$0.00
Less: Remaining Balance per Capital Projects	(\$1,289,828.25)
Less: Funds to Pay for Completion of Audits in FYE 2024 for FYE 2021 - 2023	(\$110,000.00)
**Less: Restricted Use Funds (i.e. court revenue, child safety fee, road maint. sales tax)	(\$205,261.00)
Unrestricted Cash on Hand as of October 31, 2023	<u>\$3,298,972.11</u>

V:\Old Finance\Cary\Cash\2024 Cash Balances - Provided to Council.xlsx]Rev over Expenses

3,678,319.00 Ground Storage Tank at EST #2 Contract Price
 19,909.91 Approved Change Orders
 (\$459,691.99) Draw 1 Paid on 2/3/2023
 (\$404,155.65) Draw 2 Paid on 3/2/2023
 (\$380,088.06) Draw 3 Paid on 4/12/2023
 (\$271,176.55) Draw 4 Paid on 5/16/2023
 (\$317,031.77) Draw 5 Paid on 6/15/2023
 (\$207,921.04) Draw 6 Paid on 7/15/2023
 (\$411,085.90) Draw 7 Paid on 8/8/2023
 (\$71,956.80) Draw 8 Paid on 9/20/2023
 (\$45,440.40) Draw 9 Paid on 10/xx/2023

 1,129,680.75 Remaining Balance

Vendor Jm Pipeline

Approved on November 15, 2022
Resolution 2022-28

Change Orders:

1). Approved on June 22, 2023
Resolution 2023-15 for \$19,909

232,469.00 Generator at EST 1 Contract Price
 (\$5,400.00) Draw 1 Paid on 8/31/2022
 (\$62,550.00) Draw 2 Paid on 10/3/2022
 (\$2,250.00) Draw 3 Paid on 10/25/2022
 (\$1,800.00) Draw 4 Paid on 11/22/2022
 (\$128,222.10) Draw 5 Paid on 9/18/2023
 (\$22,246.90) Draw 6 Paid on 9/22/2023

 10,000.00 Remaining Balance - Not expected to have to pay

Vendor C.F. McDonald

Approved on July 12, 2022
Resolution 2022-15

257,950.00 Generator at EST 2 Contract Price
 (\$97,802.50) Draw 1 Paid on 9/20/2023
 \$0.00 Draw 2 Paid on 10/xx/2023
 \$0.00 Draw 3 Paid on 11/xx/2023

 160,147.50 Remaining Balance

Vendor T Morales

Approved on March 14, 2023
Resolution 2023-05

1,289,828.25 Remaining Balance on Capital Projects

V:\-Old Finance\Cary\Cash\[2024 Cash Balances - Provided to Council.xlsx]CIP