

**City of West Orange
Monday, March 8, 2021
Regular Session**

**West Orange Community Center
2700 Western Avenue (rear entrance)
West Orange, Texas
5:00 p.m.**

COUNCIL MEMBERS PRESENT:

Mayor Roy McDonald	Michael Shugart, Sr.	Randy Branch
Shirley Bonnin	Brent Dearing	Dale Dardeau

APPOINTED OFFICIALS PRESENT:

Theresa Van Meter	Mike Stelly	Jon Sherwin
David Roberts	Chris Leavins	

OTHERS PRESENT:

Keri Michutka, CPA	James Whittington	Richard Jones
Meritta Kennedy	Cory Frankum	Jay Odom
Dan Perrine	Tessie Clark	Kirk Roccaforte
Sheldon LaFleur	Dustin Hartsfield	Melinda Smith

Call to Order

Mayor McDonald called the meeting to order at 5:00 p.m., stating that a quorum of Council was present. Council Member Branch gave the invocation. The mayor then led in the Pledges of Allegiance to both the American and Texas flags.

Public Comments

Mayor McDonald stated that he was very happy to announce that two new businesses were opening in West Orange: Harbor Freight and The Pink Rooster – both in the shopping center in front of Walmart on Edgar Brown Drive.

Consent Agenda

Discussion and Possible Action on approval of the minutes of the February 8, 2021 Council meeting and proclaiming March 28, 2021 as “Blinded Veterans’ Day” in the City of West Orange – Council Member Dardeau made a motion that the items in the Consent Agenda be accepted as presented. Mayor Pro-Tem Bonnin seconded his motion. The mayor asked Mr. Leavins to read the proclamation, after which, a vote on the motion was cast, passing unanimously.

Mr. Odom stated that there was a notice on the door to the Community Center requiring face masks be worn within the building, however some people were not wearing them. He asked if the rule was going to be enforced. Mayor McDonald responded that, as Council was sitting behind shields, they did not have to wear masks during the meeting. He added that they could not enforce the rule according to the governor. He then deferred Mr. Odom to speak with the police chief after the meeting. Mr. Leavins agreed, explaining that responses could not be made during the Public Comment portion of the meeting.

Regular Session

Discussion and Possible Action on acceptance of the audit of fiscal year ending September 30, 2020 as prepared and presented by Keri Michutka, CPA – Ms. Michutka thanked Council for allowing her the opportunity to perform the City’s audit. She stated that she was issuing a “clean” audit opinion.

Ms. Michutka explained that it is the goal of all municipalities to have at least six months’ operating capital held in reserve in case of disaster, emergency, etc. The City of West Orange, as of September 30, 2020, had approximately eleven months’ in reserve.

Discussion then turned to the \$209,289 net increase in the General Fund for the fiscal year. Council Member Shugart asked if those funds could be used for capital outlay. Ms. Michutka

responded that it depended on whether or not it was budgeted. Chief Stelly added that some of that increase may also be in restricted funds. Council Member Branch questioned if there were any restricted funds within the General Fund. Ms. Michutka responded that there are. Mrs. Van Meter then explained the purpose of some of the restricted funds within the General Fund. The road tax funds are, by law, dedicated to the maintenance of existing streets within the city. Three are also court funds within the General Fund that can only be spent for certain things, as mandated by the state.

Council Member Branch asked for an explanation of the \$226,788 Net Change in Fund Balance for 2020 which was shown on page 55 of the audit report. Ms. Michutka explained that it was for all funds combined.

Council Member Branch asked how Council could know how much money was unrestricted. She directed Council back to the Balance Sheet on page 12 of the report. The Unassigned Fund Balance of \$2,945,823 was not restricted funds, however, this amount includes the eleven months' operating capital Ms. Michutka mentioned at the beginning of her presentation.

Council Member Shugart asked how much of this amount could be spent on capital outlay. Chief Stelly stated that everyone also needs to keep in mind that this amount was as of September 30th. Some of those funds may have been used in this new budget year.

Ms. Michutka stated that six month's expenditures would be a little over \$1.5 million, so at least that much needs to be kept in reserve.

With there being no further discussion, Council Member Dardeau made a motion that the audit for FY 2020 be accepted as presented. Mayor Pro-Tem Bonnini seconded his motion. A vote was cast, motion carried.

Discussion and Possible Action on Ordinance No. 457, an Ordinance stating the names of persons appointed as Election Judge and Alternate Judge; setting compensation for election judges and clerks and appointing an Early Voting Ballot Board for the General Election to be held in the City of West Orange on May 1, 2021

Discusión y Posible Acción sobre la Ordenanza No. 457, una Ordenanza que establezca los nombres de las personas designadas como Juez Electoral y Juez Suplente; establecer una compensación para los jueces y secretarios electorales y nombrar una Junta de votación temprana para la Elección General que se llevará a cabo en la Ciudad de West Orange el 1 de mayo de 2021

Council Member Dardeau made a motion that Ordinance No. 457 be adopted as presented. Mayor Pro-Tem Bonnini seconded his motion. As there was no discussion on the motion, the mayor called for a vote. Motion carried.

El miembro del Consejo Dardeau presentó una moción para que se adoptara la Ordenanza N° 457 tal como se presentó. El alcalde Pro-Tem Bonnini secundaba su moción. Como no hubo discusión sobre la moción, el alcalde pidió una votación. Movimiento llevado.

Discussion and Possible Action on authorizing the mayor to sign a waiver allowing the Orange County Mosquito Control District to fly at low altitudes over the city for the application of insecticides for the abatement of mosquitoes – Council Member Dardeau made a motion that the mayor be authorized to sign this waiver, allowing the Orange County Mosquito Control District to fly at low altitudes over the city for the application of insecticides for the abatement of mosquitoes. Council Member Dearing seconded his motion. The motion passed unanimously by vote.

Discussion and Possible Action on awarding a bid for a fire truck for purchase on contract CDBG-DR 20-065-119-C390 – Council Member Shugart made a motion that Council not award the bid for a fire truck due to the bid not matching the specifications voted on by Council. Council Member Branch seconded his motion.

Council Member Shugart stated that the bid specifications called for a 400hp engine and the bid came back for a 300hp engine. He added that the chassis does not meet the specifications in the bid proposal either.

Mrs. Smith stated that the City has the right to refuse any and all bids. She added that she checked the format of the proposal to make sure that all required documentation was submitted, not the details of the bid itself.

She explained that three bids, each containing bids for both a commercial and a custom truck, had been received before the deadline and one came in afterward. Two of the three that came in before the deadline did not contain all of the required contractual documents, therefore they were disqualified, as was the one that arrived after the deadline.

Mr. Frankum, Siddons-Martin representative (who submitted the only qualifying bids), spoke to Council Member Shugart's concerns with the differences in question. He explained the technical reasons for their submission of alternatives on those items.

Mrs. Smith explained that the purpose of the addendums were to clarify the questions that came in regarding the bid documents.

Council Member Shugart asked Mr. Leavins if addendums were added to the bid documents, then they were not actually the documents that had been voted on. Mr. Leavins responded that that was potentially a different issue, but at this time, if Council was not inclined to award the bid, then amend the motion to reject all bids and the, because the specs were different, and re-issue the specifications.

Council Member Shugart then amended his motion to reject any and all bids. He also stated that a workshop was necessary before going out again for bids. Council Member Branch seconded the amended motion.

Council Member Dearing stated that before bid specifications are sent out, council needs to make sure that a truck can be built to those specifications.

Mayor McDonald then called for a vote on the amended motion. The vote was cast, motion carried.

Executive Session

At 5:39 p.m., pursuant to Tex. Gov. Code §551.071 (1.A), Council entered into Closed, or Executive, Session to seek or receive advice from City Attorney on pending or contemplated litigation.

Return to Regular Session

Council returned to Regular Session at 5:56 p.m. Council Member Branch made a motion that the Germer Law Firm be retained to handle possible annexation proceedings. Council Member Shugart seconded his motion. Mayor McDonald called for a vote. The motion passed unanimously.

Council Member Branch then moved that City Staff be directed to prepare a service plan that provides for the extension of municipal services to these areas possibly being annexed. This motion received a second from Council Member Dearing. With there being no discussion, the mayor called for a vote. Motion carried.

Announcements

The mayor then announced that the next Regular Council meeting was scheduled for Monday, April 12, 2021; 5:00 p.m.

Adjournment

With there being no further business before Council, the mayor adjourned the meeting at 6:00 p.m.



Roy McDonald, Mayor

ATTEST:



Theresa Van Meter, City Secretary

