

**City of West Orange
Monday, August 9, 2021
Regular Session**

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

COUNCIL MEMBERS PRESENT:

Mayor Randy Branch
Brent Dearing
Meritta Kennedy
Michael Shugart, Sr.

COUNCIL MEMBERS ABSENT:

Dale Dardeau
Shirley Bonnin

APPOINTED OFFICIALS PRESENT:

Chris Leavins
David Roberts
Theresa Van Meter
Simmie Gibson
Jon Sherwin
Mike Stelly

OTHERS PRESENT:

Dan Perrine
Sandra Cash
Nestor Barroeta
Brenda O'Neal
Joseph Chretien
Kiasia Wilson
Mike Van Meter
Pamela Thompson
Jane Branch
Christy Khoury
Cory Boozer
Hardy O'Neal
Sheldon Lafleur
Charles Winter
Sandra Hoke
Tremaine Wilson
Chad Eldridge
Kirk Roccaforte
Jay Odom
Montrae Chretien
Yhana Brown
Melony Delano
Vester Thompson

Call to Order

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Shugart gave the invocation. The mayor then led in the Pledges of Allegiance to the American and Texas flags.

Consent Agenda

Discussion and Possible Action on approval of the minutes of the July 9, 2021 City Council meeting – These minutes were unanimously approved by vote after a motion was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Shugart.

Public Comments

Mr. Wilson asked for the City's assistance with the high grass across the street from his residence (2710 Smith). He said that not only is the grass bad, but now snakes have started coming from it.

Regular Session

Discussion and Possible Action on proclaiming August 9, 2021 as "Deionte Thompson Day" in the City of West Orange – Council Member Shugart made a motion that this proclamation be passed as written. His motion was seconded by Mayor Pro-Tem Kennedy. The proclamation was then unanimously approved by vote, after which it was read aloud by Council Member Shugart. Mayor Branch presented it to the parents of Deionte Thompson, Vester and Pamela Thompson. Pastor Thompson expressed his appreciation and honor to the city for the proclamation and the recognition for his son.

Discussion and Possible Action on proclaiming the month of August, 2021 as "Recycling Awareness Month" in the City of West Orange – Mayor Branch read the proclamation recognizing August, 2021 as "Recycling Awareness Month." Council Member Shugart made a motion that this resolution be passed as written. Mayor Pro-Tem Kennedy seconded his motion. A vote on the motion was cast, with the motion passing. Ms. Sandra Hoke and Ms. Sandra Cash, who introduced themselves and the "Trashy Ladies," gave a presentation on the importance of recycling, and informed those present that there is a means of doing so in Orange County. They passed out information pertaining to the company who collects recyclable goods and asked everyone to consider doing so.

Discussion and Possible Action on a request submitted by Chad Eldridge for the City to forgive the lien and interest on property located at 2025 Stakes – Council Member Shugart stated that, in order to allow for discussion, he would make a motion that the city forgive the lien and interest on property located at 2025 Stakes. His motion received a second from Council Member Dearing.

Mayor Branch then invited Mr. Eldridge to address Council regarding his request. Mr. Eldridge stated that he had been waiting for the mortgage to be cleared. He has had the lot mowed and cleaned and is now ready to pay the back taxes. Mayor Pro-Tem Kennedy asked him the amount of those back taxes. He responded \$2,200-\$2,300. She then asked him if he was selling the property. He responded that he was, but the purchaser had backed out. He added that, at this time, he is considering his options. He is not certain what his plans are for the property, but he will be keeping it mowed and clean. He stated that he just does not have the money to cover the back taxes and the lien placed on the property by the City.

Mr. Leavins stated that one possibility could be that the forgiveness of the lien could be contingent upon the payment of the back taxes.

Council Member Dearing stated that, regardless, the City would be out \$3,150 for cleaning the property. The interest could be waived, but the principle would still be there.

Mayor Pro-Tem Kennedy asked to make a motion, but was informed that the original motion had to be dealt with first. Mayor Branch then called for a vote on the original motion which had been made by Council Member Shugart, seconded by Council Member Dearing. There were no votes "for" the motion, with all voting "no," therefore the motion failed.

Mayor Pro-Tem Kennedy then made a motion that once the back taxes have been paid, Mr. Eldridge may come back before Council for his request to be reconsidered. Council Member Dearing seconded her motion. With there being no further discussion, the mayor called for a vote, with this motion passing unanimously.

Discussion and Possible Action on a resolution to nominate individuals for the Orange County Appraisal District Board of Directors – Council Member Shugart made a motion that the City approve a resolution to submit nominations for the Orange County Appraisal District Board of Directors. Mayor Pro-Tem Kennedy seconded his motion. The discussion then turned to whom the City would submit as nominees. Mayor Branch stated that this Board meets once quarterly. Mr. Leavins added that this is different than the Appraisal Review Board.

Council Member Shugart then amended his motion, nominating the following individuals to be named on the resolution to be placed on the OCAD Board of Director's ballot:

- Tim Andrews (5 votes)
- Karen Fisher (5 votes)
- Laura Floyd (5 votes)
- Philip Welch (5 votes)
- Dr. Suzonne Crockett (6 votes)

Council Member Dearing seconded this amended motion. With there being no further discussion, the mayor called for a vote. The motion to pass this resolution was unanimous.

Discussion and Possible Action on authorizing the Mayor and Emergency Management Coordinator to sign Mutual Aid Agreement with the South East Texas Regional Planning Commission to include Jasper County in the region – Mayor Pro-Tem Kennedy made a motion that the Mayor and Emergency Management Coordinator be authorized to sign a Mutual Aid Agreement with the South East Texas Regional Planning Commission to include Jasper County in the region. Council Member Dearing seconded her motion. Chief Stelly explained that the cities in Orange, Hardin and Jefferson Counties currently made up this region, and Jasper County has asked to join. In order to do so, an agreement must be in place authorizing their inclusion in the group. Mayor Branch then called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on Ordinance No. 458, an Ordinance regulating traffic in the City of West Orange, Texas, designating speed zones and no parking areas; designating placement of stop signs, prescribing the form of traffic signals and signs; and prescribing penalties for violations thereof – Mayor Branch explained that this ordinance would repeal Ordinance No. 44 and all of its amendments and additions. Mayor Pro-Tem Kennedy made a motion that Ordinance No. 458 be adopted as presented. Council

Member Shugart seconded the motion. As there was no discussion on the matter, Mayor Branch called for a vote on the motion. Ordinance No. 458 was unanimously adopted.

Discussion and Possible Action on adding stop signs at the intersections of Donnell @ Tanglewood and Burnett @ Lansing – Mayor Pro-Tem Kennedy made a motion that stop signs be installed at the intersections of Donnell @ Tanglewood and Burnett @ Lansing. Council Member Dearing seconded her motion. Council Member Shugart questioned how this came about. The mayor responded “through citizen requests.” He added that there are also children in those areas and people are driving much too fast on those streets. There were no further questions nor additional discussion on the matter. Mayor Branch called for a vote on the motion. It passed unanimously.

Discussion and Possible Action on Ordinance No. 459, an Ordinance of the City of West Orange, Texas, amending the Code of Ordinances by amending Chapter 10, “Motor Vehicles and Traffic,” regarding the operation of golf carts and off-highway vehicles on public highways within the City; providing for a penalty; providing for an effective date – Mayor Pro-Tem Kennedy made a motion that Ordinance No. 459, an Ordinance of the City of West Orange, Texas, amending the Code of Ordinances by amending Chapter 10, “Motor Vehicles and Traffic,” regarding the operation of golf carts and off-highway vehicles on public highways within the City; providing for a penalty; providing for an effective date be adopted as presented. Her motion received a second from Council Member Dearing.

Mr. Leavins pointed out that an amended version had been placed at Council members’ seats, adding “Hours of Operation” under §10.172 – with hours of operation authorized only 30 minutes after sunrise to 30 minutes prior to sunset. Secondly, under §10.177 Safety Devices – The initial draft of the ordinance required reflectors on front and back, but had been taken out. However, Chapter 551 of the Transportation Code requires golf carts to have reflectors, so he recommend that it be put back into that section.

Council Member Shugart asked what types of vehicles would be covered to drive on West Orange streets under this ordinance. Mr. Leavins responded, “An all-terrain vehicle, a utility vehicle, a recreational vehicle - but you would have to be able to get an off-road license plate.” These vehicles also cannot be operated on streets with speed limits over 30 mph.

Mayor Pro-Tem Kennedy acknowledged that the State has laws on this already, but “we are going above the State law. We can’t take away from the State law, but we can go above by adding license plates and liability.” Council Member Dearing added that he just wants the citizens to have the freedom to ride around the city comfortably.

The mayor asked if there was any further discussion. With there being none, he called for a vote on the motion to adopt the ordinance. The motion to adopt was unanimous.

Discussion and Possible Action on approval of recommendation by Schaumburg & Polk, Inc. for award of construction contract for CDBG-DR No. 20-065-119-C390 Flood and Drainage Improvements Project – Mayor Pro-Tem Kennedy made a motion that Council approve T Construction LLC as the lowest bidder for award of the construction contract for CDBG-DR No. 20-065-119-C390 Flood and Drainage Improvements Project. Council Member Dearing seconded her motion. Mayor Branch explained that the engineering firm on this project, Schaumburg & Polk, Inc., submitted a letter to the City, recommending T Construction LLC as the contractor for this project. Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on a Resolution designating the Orange County Tax Assessor-Collector to calculate and publish certain tax rates for the City and to further submit electronic data to the Orange County Appraisal District on behalf of the City - Mr. Leavins explained that, upon closer review of the contract currently in place with the Tax Assessor-Collector’s office, he does not believe this resolution to be necessary. It can always be revisited in the future should anything change. Mayor Branch therefore tabled this item.

Discussion and Possible Action on authorizing a proposal on an ad valorem tax rate by record vote and consider setting the date for a public hearing and the adoption of such proposal on a future meeting agenda – Mayor Branch asked Mrs. Van Meter to explain the difference in the “no-new” and “voter approval” tax rates. She explained that the “no-new” tax rate has been known, in years past, as the “effective” tax rate and is used to calculate an amount of revenue which is about the same as the amount of taxes raised in the prior year. The “voter-approval” rate was formerly called the “roll-back” rate. If council were to adopt a rate equal to or greater than the “voter-approval” rate, voters in the city can petition for an election to limit the tax increase.

The "no-new" tax rate for 2021-22 is \$0.42828 and the "voter-approval" rate is \$0.44507. She further explained that the rate for the current year was \$0.4700 so either of these rates would be lower than the current rate, however with property appraisal values increasing, the "no-new" tax rate is expected to generate about the same amount of revenue. She added that she and Mayor Branch had studied the numbers and were recommending the \$0.4449 rate.

Mrs. Van Meter then explained that the motion shown in Council packets was included because it is required by law. This motion must also be voted upon by record vote in order for the City to proceed with its tax hearing.

Mayor Pro-Tem Kennedy then stated, "I move that we, by record vote, place a proposed tax rate of no greater than \$0.4449 per \$100 valuation on the Monday, September 13, 2021 Regular Meeting agenda at 5:00 p.m. at City Hall and set a public hearing on Thursday, September 9, 2021 at 5:15 p.m. at City Hall to receive comments on such proposal." Mayor Branch seconded her motion. He then called roll for verbal vote:

Mayor Pro-Tem Kennedy:	aye
Council Member Dearing:	aye
Council Member Shugart:	aye
Mayor Branch:	aye

The motion passed unanimously.

Discussion and Possible Action on accepting into record the Quarterly Investment Report for April - June, 2021 – Mayor Pro-Tem Kennedy made a motion that this report be accepted into record as presented. Her motion received a second from Council Member Dearing. With there being no discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

Announcements

Mayor Branch made note of the following upcoming meetings/events:

- Monday, August 16, 2021; 4:00 p.m. – Budget Workshop
- Thursday, Sept. 9, 2021; 5:00 p.m. – Public Hearing on Proposed Budget
- Thursday, Sept. 9, 2021; 5:15 p.m. – Public Hearing on Proposed Tax Rate
- Monday, Sept. 13, 2021; 5:00 p.m. – Council Meeting
(Adoption of Budget & Tax Rate on Agenda)
- Friday and Saturday, October 15-16, 2021 – City of West Orange Fall Clean-Up
(Dumpsters will be behind the fire department.)
- Saturday, Nov. 6, 2021 – *HOLIDAY IN THE PARK*

Adjournment

With there being no further business before Council, Mayor Branch adjourned the meeting at 6:05 p.m.



 Randy Branch, Mayor

ATTEST:


 Theresa Van Meter, City Secretary

