

**City of West Orange
Monday, February 14, 2022
Regular Session**

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

COUNCIL MEMBERS PRESENT:

Mayor Randy Branch
Shirley Bonnin

Meritta Kennedy

Michael Shugart, Sr.

COUNCIL MEMBERS ABSENT:

Dale Dardeau

Brent Dearing

APPOINTED OFFICIALS PRESENT:

Chris Leavins

David Roberts

Simmie Gibson

OTHERS PRESENT:

Michael Corbett
Jane Branch
Keri Michutka
Dave Rogers

Robert Ashworth
Frances Droddy-Lopez
Gail Langton
Sheldon LaFleur

Matt Frederick
Jay Odom
Jerry Delano
Melinda Smith

Call to Order

Mayor Branch called the meeting to order at 5:00 p.m. Council Member Bonnin 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 January 10, 2022 Council meeting – These minutes were unanimously approved by vote after a motion was made by Council Member Bonnin, followed by a second from Mayor Pro-Tem Kennedy. The mayor called for a vote. The minutes were unanimously approved into record.

Public Hearing

Mayor Branch convened the public hearing at 5:03 p.m. to discuss the substandard and hazardous conditions of the following properties, along with possible remedies to these conditions

- a. **1813 Austin** - Mr. Corbett reported that he, along with Officer Ashworth, inspected this property on October 19, 2021. It is definitely a dilapidated and hazardous property. It has missing walls. It is unsecured.
- b. **1925 Bowie** – Mr. Corbett reported that he, along with Officer Ashworth, inspected this property on October 26, 2021. It has roof and water damage, interior water damage as a result of the roof damage, weak flooring.
- c. **211 Dayton** - Mr. Corbett reported that he, and Officer Ashworth, inspected this property on October 26, 2021. It has flood damage to the flooring and foundation.
- d. **609 Greenbriar** - Mr. Corbett reported that he and Officer Ashworth inspected this property on October 15, 2021. The house is unsecured and open to the elements. The right rear wall is missing. It has collapsed in. There is a large hole in the roof. It has interior mold, as well.
- e. **2729 Houston** – Mr. Corbett stated that this is a long-neglected property, severely overgrown. It has collapsing floors and foundation.
- f. **221 Linda** – Mr. Corbett reported that the house was subject to a severe fire. Most of the walls are gone. The roof is gone.

- g. **2301 Western** – Mr. Corbett reported that there are actually three structures on that property. One is a commercial structure facing Western Avenue. It has severe roof damage and water damage inside with mold throughout. There is a two-story structure directly behind that – a garage apartment – with a large oak tree on top of it, which has caused a hole in the roof which has created water damage all the way down from the top floor into the bottom floor. The small house to the rear of that also has roof damage. An interior ceiling has collapsed in a rear room. Mold is evident. There is structural damage from water.

Mayor Branch thanked Mr. Corbett for his information on these properties.

Mr. Corbett was asked if he had heard from any of the property owners. He responded that he had not. Some of the certified letters sent to them had been returned. Some had been received, but none had been in contact with him.

Mr. Leavins asked Mr. Corbett if he believed that for each property mentioned, they each pose a hazard to the health, safety and welfare of the public. Mr. Corbett responded that he does believe so. Mr. Leavins then asked him if he believed them to all be dilapidated and substandard. Mr. Corbett responded that he does.

There were no property owners present to address these structures, and no other comments were made from those in attendance.

Mayor Branch adjourned the public hearing at 5:08 p.m. and convened the Council into Regular Session

Regular Session

Discussion and Possible Action on Orders by Resolution to either repair, remove or demolish the following structures:

- a. **1813 Austin** – A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Shugart. A vote was cast. Motion carried.
- b. **1925 Bowie** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Council Member Shugart, followed by a second from Mayor Pro-Tem Kennedy. A vote was cast. Motion carried.
- c. **211 Dayton** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Council Member Bonnin, followed by a second from Mayor Pro-Tem Kennedy. A vote was cast. Motion carried.
- d. **609 Greenbriar** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Shugart. A vote was cast. Motion carried.
- e. **2729 Houston** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Council Member Shugart, followed by a second from Mayor Pro-Tem Kennedy. A vote was cast. Motion carried.
- f. **221 Linda** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Council Member Bonnin, followed by a second from Mayor Pro-Tem Kennedy. A vote was cast. Motion carried.
- g. **2301 Western** - A motion authorizing demolition of the structure after giving the owner thirty (30) days to repair, remove or demolish was made by Mayor Pro-Tem Kennedy, followed by a second from Council Member Shugart. A vote was cast. Motion carried.

Discussion and Possible Action on a request submitted by Jerry Delano for a variance to Ordinance No. 302-D at 2004 South Avenue – Mr. Delano approached Council, stating that he was present to request their approval to place an RV on property he was buying at 2004 South Street. He would like to live in the RV during the six months to one year that he expects it to take for him to make the necessary repairs to the home at that address. Council Member Shugart made a motion that Mr. Delano be given a 180-day (from the present date) variance to Ordinance No. 302-D, to be allowed to live in his RV on his property at 2004 South Street while making repairs to his home at that address, and at the end of six months, if he is not finished, he can

come back and request more time from Council. Mayor Pro-Tem Kennedy seconded this motion. A vote was cast. Motion carried.

Discussion and Possible Action on acceptance of audit of fiscal year ending September 30, 2021 as prepared and presented by Keri Michutka, CPA – Ms. Michutka thanked Council for allowing her the opportunity to perform the City's audit again for another year. She reported that the City has received the GFOA award once again for "Excellence in Financial Reporting."

She then turned to the Balance Sheet, pointing out that, as of September 30, 2021, The City's total Fund Balance totaled \$6,114,417. She also explained that the \$399,307 in the COVID-19/ARP Fund was received near the end of the year and has not yet been spent. That revenue is therefore being deferred. It will not be recognized until it is spent.

Ms. Michutka stated that it is recommended that cities maintain at least six months' operating capital in reserve. As of September 30, 2021, the City of West Orange had almost twelve months' in unrestricted funds. She wanted to recommend to Council that some of those funds be "assigned." They can be assigned by Council or by management. This would be comparable to the Capital Improvement Fund.

She then reviewed the "Single Audit" which pertained to Federal grant funds received throughout the year.

Mayor Pro-Tem Kennedy made a motion that the audit report for fiscal year ending September 30, 2021 presented by Keri Michutka be accepted as presented. Her motion received a second from Council Member Shugart. Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on accepting recommendation from grant administrator for award of HVAC project – Mrs. Smith reported that two bids for this project were received. One of those did not include the bid bond and it was over \$100,000. Neither bid included a "Conflict of Interest" questionnaire. The first bid also did not include a "Certification of Lobbying Form", which was required to be returned with any bid. Although the first bid was the low bid, given that it did not contain all of the required information, Mrs. Smith's recommendation was to award the bid to the next lowest bidder. Although the next low bidder also did not submit a "Conflict of Interest" questionnaire, there is some question as to whether that is actually required if there is no conflict of interest. She added that her understanding is that the low bidder does have a relationship with the City that should have been disclosed.

Council Member Shugart asked Mrs. Smith whom she recommended the City choose. She responded, "Innovative Air Solutions in the award amount of \$221,913.83."

Council Member Shugart made a motion that the HVAC project be awarded to Innovative Air Solutions, as recommended by grant administrator, Melinda Smith of Traylor & Associates, Inc., in the amount of \$221,913.83. Mayor Pro-Tem Kennedy seconded this motion. Mayor Branch asked for discussion on the motion.

Council Member Shugart asked Mrs. Smith is she was comfortable with this. She responded that she worked for the City. Her job was to make a recommendation to Council based on what meets the Federal guidelines and protection for the City. Her goal is to have this money spent in a way that there is no call-back of funds and no appearance in any way would make the City have to return it or pay it back and she felt that awarding the bid to the company who was not the low bidder was the best way to accomplish that in this instance.

The mayor then called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on accepting recommendation from grant administration for award of bunker gear project – Mrs. Smith reported that one bid was received for the bunker gear and SCBA purchase and it was within budget. The amount of the bid was \$86,556.28. It did meet all of the requirements of the bid documents. Her only concern was that only one bid was received, however efforts had been made to reach out to small and minority businesses as well as others when sending out bid requests.

Council Member Shugart made a motion that the bunker gear/SCBA grant purchase be awarded to Municipal Emergency Services (M.E.S.) in the amount of \$86,556.28. Mayor Pro-Tem Kennedy seconded his motion. Mrs. Smith then noted that the \$30,000+ that this bid came in under budget can be applied to the fire truck. A vote was called by the mayor, which passed unanimously.

Discussion and Possible Action on adoption of Ordinance No. 465, an ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2022; authorizing the hiring of lawyers and rate experts; authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas; finding that the meeting complies with the Open Meetings Act and declaring an effective date – Council Member Shugart made a motion that Ordinance No. 465 be adopted, authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. at the Public Utility Commission of Texas in 2022; authorizing the hiring of lawyers and rate experts; authorizing the City's participation to the full extent permitted by law at the Public Utility Commission of Texas; finding that the meeting complies with the Open Meetings Act and declaring an effective date. Council Member Bonnin seconded his motion. A vote was cast, motion passed unanimously.

Discussion and Possible Action on Ordinance No. 466, an ordinance declining to approve the change in rates requested in Entergy Texas, Inc.'s Statement of Intent filed with the City on January 31, 2022 – Mayor Pro-Tem Kennedy moved that Ordinance No. 466, an ordinance declining to approve the change in rates requested in Entergy Texas, Inc.'s Statement of Intent filed with the City on January 31, 2022 be adopted as presented. Her motion received a second from Council Member Shugart. A vote was cast; motion carried.

Discussion and Possible Action on Ordinance No. 464-A, an Ordinance repealing and replacing Ordinance No. 464 in its entirety, ordering the General Election to be held in the City of West Orange, Texas on May 7, 2022 to fill the offices of three aldermen; stating the location of the polling place and designating the City of West Orange as one voting precinct; making certain provisions related to the manner of voting in the conduct of the elections; prescribing the form of ballot and voting system to be used; providing that this ordinance shall constitute an order for such election and that proper notice thereof shall be given

Discusión y Posible Acción sobre la Ordenanza Núm. 464-A, una Ordenanza que deroga y reemplaza la Ordenanza Núm. 464 en su totalidad y ordena que la Elección General se celebre en la Ciudad de West Orange, Texas el 7 de mayo de 2022 para llenar el oficios de tres regidores; indicando la ubicación del lugar de votación y designando a la Ciudad de West Orange como un recinto de votación; hacer ciertas disposiciones relacionadas con la forma de votar en la realización de las elecciones; prescribir la forma de papeleta y el sistema de votación a utilizar; disponiéndose que esta ordenanza constituirá una orden para tal elección y que se dará aviso apropiado de la misma

Council Member Shugart made a motion that Ordinance No. 464-A be adopted as presented. Mayor Pro-Tem Kennedy seconded his motion. Mayor Branch called for a vote on the motion, which passed unanimously.

El concejal Shugart hizo una moción para que se adopte la Ordenanza No. 464-A tal como se presentó. El alcalde interino Kennedy apoyó su moción. El alcalde Branch pidió una votación sobre la moción, que fue aprobada por unanimidad.

Discussion and Possible Action on placing the reauthorization of the ¼% sales tax for Street maintenance on the May 7, 2022 Special Election ballot

Discusión y posible acción sobre la reautorización del impuesto sobre las ventas de ¼% para el mantenimiento de calles en la boleta de la elección especial del 7 de mayo de 2022

Council Member Shugart made a motion that that the reauthorization of the ¼% sales tax for Street maintenance be placed on the May 7, 2022 Special Election ballot. Mayor Pro-Tem Kennedy seconded his motion. She then stated that street improvements are about to happen and those are completely separate from this. Revenue from this tax is used for street maintenance not covered by grant funds. Mayor Branch called for a vote on the motion, which passed unanimously.

El concejal Shugart hizo una moción para que la reautorización del ¼% del impuesto sobre las ventas para el mantenimiento de las calles se coloque en la boleta de la elección especial del 7 de mayo de 2022. El alcalde interino Kennedy apoyó su moción. Luego dijo que las mejoras en las calles están a punto de suceder y que están completamente separadas de esto. Los ingresos de este impuesto se utilizan para el mantenimiento de las calles que no están cubiertos por los fondos de la subvención. El alcalde Branch pidió una votación sobre la moción, que fue aprobada por unanimidad.

Discussion and Possible Action on Charter Review Committee's proposed amendments to the City's Charter, for placement on the May 7, 2022 Special Election ballot

Discusión y posible acción sobre las enmiendas propuestas del Comité de Revisión de la Carta Constitucional de la Ciudad, para su ubicación en la boleta de la Elección Especial del 7 de mayo de 2022

Mr. Leavins explained that there have been some legal challenges in other cities who have tried to mandate that mayor or alderman candidates must be property-owners within the city. He advised against including this proposition on the Special Election Ballot.

Council Member Shugart then made a motion that all propositions as submitted by the Charter Review Committee, with the exception of the one denoted as (b) in Council packets and not recommended by Mr. Leavins be included in the City's May 7, 2022 Special Election Ballot as presented. Mayor Pro-Tem Kennedy seconded his motion. Mayor Branch called for a vote on the motion, which passed unanimously.

El Sr. Leavins explicó que ha habido algunos desafíos legales en otras ciudades que han tratado de ordenar que los candidatos a alcalde o concejal deben ser propietarios dentro de la ciudad. Aconsejó no incluir esta proposición en la Boleta de la Elección Especial.

El concejal Shugart luego hizo una moción para que todas las propuestas presentadas por el Comité de Revisión de la Carta, con la excepción de la indicada como (b) en los paquetes del Concejo y no recomendada por el Sr. Leavins, se incluyan en la Elección Especial de la Ciudad del 7 de mayo de 2022 Boleta tal como se presentó. El alcalde interino Kennedy apoyó su moción. El alcalde Branch pidió una votación sobre la moción, que fue aprobada por unanimidad.

Discussion and Possible Action on Ordinance No. 467 an ordinance ordering a Special Election to be held in the City of West Orange, Texas on May 7th, 2022 to present to the qualified voters of the City of West Orange, Texas, should item # 9 above pass, a proposition pertaining to the reauthorization of a local sales and use tax in the City of West Orange at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets; and dependent of approval of item # 10 above, seven proposed amendments to the existing charter of the city; stating the subject matter of the proposed amendments to the city charter to be voted on at said election, stating the location of the polling place and designating the City of West Orange as one voting precinct; making certain provisions related to the manner of voting in the conduct of the elections; prescribing the form of ballot to be used; providing that this ordinance shall constitute an order for such election and that proper notice thereof shall be given

Discusión y posible acción sobre la Ordenanza n.º 467, una ordenanza que ordena que se celebre una elección especial en la ciudad de West Orange, Texas, el 7 de mayo de 2022 para presentarla a los votantes calificados de la ciudad de West Orange, Texas, en caso de que el artículo N.º 9 anterior, una propuesta relacionada con la reautorización de un impuesto local sobre las ventas y el uso en la ciudad de West Orange a una tasa de un cuarto del uno por ciento para proporcionar ingresos para el mantenimiento y la reparación de las calles municipales; y dependiendo de la aprobación del artículo # 10 anterior, siete enmiendas propuestas a la carta orgánica existente de la ciudad; indicando el tema de las enmiendas propuestas a los estatutos de la ciudad que se someterán a votación en dicha elección, indicando la ubicación del lugar de votación y designando a la Ciudad de West Orange como un recinto de votación; hacer ciertas disposiciones relacionadas con la forma de votar en la realización de las elecciones; prescribir la forma de votación que se utilizará; disponiéndose que esta ordenanza constituirá una orden para tal elección y que se dará aviso apropiado de la misma

Council Member Shugart made a motion that Ordinance No. 467 be passed, calling for a Special Election to be held in the City of West Orange on May 7, 2022, to present to the citizens the reauthorization of the ¼% sales tax dedicated to street maintenance as well as the six Charter amendment propositions approved above (having omitted one per vote on item above). His motion received a second by Council Member Bonnin. The motion carried unanimously.

El concejal Shugart presentó una moción para que se apruebe la Ordenanza n.º 467, convocando a una elección especial que se llevará a cabo en la ciudad de West Orange el 7 de mayo de 2022, para presentar a los ciudadanos la reautorización del ¼% del impuesto a las ventas dedicado a la calle. mantenimiento, así como las seis propuestas de enmienda a la Carta aprobadas anteriormente (habiendo omitido una por voto en el punto anterior). Su moción recibió el apoyo del concejal Bonnin. La moción fue aprobada por unanimidad.

Discussion and Possible Action on accepting into record the Quarterly Investment Report for the months of October, 2021 – December, 2021 – This Quarterly Investment Report was unanimously accepted into record by vote after a motion to do so was made by Mayor Pro-Tem Kennedy, with a second from Council Member Shugart. A vote was cast; motion carried.

Discussion and Possible Action on accepting the 2021 Racial Profiling Report as an official City record – A motion to accept the 2021 Racial Profiling Report into record was made by

Council Member Shugart, followed by a second from Mayor Pro-Tem Kennedy. With there being no discussion on the report, Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on approval of a Resolution to apply for a Homeland Security Grant (LETPA) – Mayor Pro-Tem Kennedy made a motion that Council approve this Resolution authorizing Police Chief Stelly to apply for this Homeland Security Grant. Council Member Shugart seconded her motion. A vote was cast; motion carried.

Discussion and Possible Action on approval of a Resolution to apply for a Homeland Security Grant (critical Infrastructure Protection) - Council Member Shugart made a motion that Council approve this Resolution authorizing Police Chief Stelly to apply for this Homeland Security Grant, and to be designated as the City's authorized official in said grant. Mayor Pro-Tem Kennedy seconded his motion. A vote was cast; motion carried.

Discussion and Possible Action on approval of a Resolution to apply for the Edward Byrne Memorial Justice Assistance Grant - Mayor Pro-Tem Kennedy made a motion that Council approve this Resolution authorizing Police Chief Stelly to apply for the Edward Byrne Memorial Justice Assistance Grant. A vote was cast; motion carried.

Announcements

Mayor Branch then made note of the following dates:

1. Last day to file application for place on May 7, 2022 General Election Ballot – Feb. 18, 2022
2. City offices closed in observance of Presidents' Day – Monday, Feb. 21, 2022
3. Next Council meeting – Monday, March 14, 2022 – 5:00 p.m.


Adjournment

With there being no further business to be brought before Council, the mayor adjourned the meeting at 6:05 p.m.



 Randy Branch, Mayor

ATTEST:


 Theresa Van Meter, City Secretary

