

**City of West Orange
Monday, July 18, 2022
Special Session**

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

COUNCIL MEMBERS PRESENT:

Randy Branch	Meritta Kennedy	Jay Odom
Brent Dearing	Michael Shugart, Sr.	Lanie Brown

APPOINTED OFFICIALS PRESENT:

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

OTHERS PRESENT:

Richard Jones	Robin Strother	Austin Mellen
Jane Branch	Dan Perrine	Frances Lopez
Kathy LeBlanc	Kirk Roccaforte	Dustin Hartsfield
Gerald Thomas	Sharon Thomas	Clyde "Tad" McKee
Emily Mellen	Chrisleigh Dal Sasso	Gail Langton
Stephen West	Jeff Leavins	Ben Tristan
Michael Corbett	Matt Frederick	

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 June 20, 2022 City Council Meeting – Mayor Pro-Tem Kennedy made a motion that the minutes of the June 20, 2022 City Council meeting be approved as presented. Council Member Brown seconded her motion. A vote was cast; motion carried.

Reports & Comments

City Staff:

Public Works – Jon Sherwin

Mr. Sherwin reported that his departments have been busy doing the following:

Construction Projects

- Street Improvement project was 80% complete with estimated completion date September 1st dependent upon availability of materials.
- Work is estimated to begin in late July on the City Hall generator project.
- Work is estimated to begin in late July or early August on the LED sign.
- The Water District generator project is not yet complete as there are transfer switch issues.
- Work to begin later this month on the pavement project behind the fire station

Building Official

- 7 permits issued
- 14 permits completed
- Contract ready to be issued for demolition of 4 properties

Sanitation

- 18 loads of green waste collected
- Two applications received for open position (only one qualified)

Animal Control

- 32 intakes
- 7 claimed/4 adopted/15 rescued/0 euthanized
- 4 citations filed in WOMC
- Shelter is full at this time.

Street

- 4 tons HP Cold Mix applied
- 5 tons limestone placed
- Cleaned debris from outfall ditch between Lansing & Jasper Streets

Parks

- Mowed 18.55 acres weekly

Shop

- Mowed 3.5 miles of large outfall ditches
- Daily maintenance of city vehicles
- 30 for 30 on all ERVs w/no issues identified

Police – Mike Stelly

Chief Stelly reported that during the month of June, 2022, the WOPD had the following activity:

- Traffic contacts – 56
- Crashes – 2
- Arrests – 15
- Reports – 54
- Calls for Service – 469
- Miles driven – 8,458

Code Enforcement:

- Violations investigated – 131
- Violations filed with WOMC - 21

Fire – Simmie Gibson

Asst. Chief Gibson reported that during the month of June, 2022, the WOVFD responded to the following:

- Building /Structure fires – 2
- Grass/Brush fires – 2
- Trash fires – 3
- Power Line down/issues – 1
- Medical Assist – 6
- Motor Vehicle Collision – 2
- Mutual Aid provided – 2
- Lifting Assistance provided – 1
- Cancelled while enroute – 2
- False Alarm due to system malfunction – 1

He reported that the department has begun some training with the Bridge City Fire Department. He also reported that the annual testing of the fire hose had been done, with 745 feet of hose being tested. One-hundred feet of 3" hose failed; two fifty-foot and one one-hundred-foot 5" sections failed.

Asst. Chief Gibson announced that the new fire truck is tentatively scheduled to be delivered to Deep South in Mississippi the first week in August.

Public Hearing

Mayor Branch called the Public Hearing to receive public comment and input regarding the Phase II MS4 Storm Water Management program to order at 5:08 p.m. He asked if there were any questions or comments from the Council and/or the audience. With there being none, he adjourned the Public Hearing at 5:10 p.m.

Regular Session

Discussion and Possible Action on awarding contract for Western Avenue pavement improvement project – Mr. Jeff Leavings, representing Whiteley Oliver Engineering, reported that there would be 5,000 linear feet of paving done in this project – Western Avenue from Foreman Road to Irving Street. Three bids were received for the project: LD Construction; Gulf Coast; and Allcon. LD Construction did have the low bid in the amount of \$281,569.00. Whiteley Oliver had estimated the job to cost approximately \$300,000, so LD Construction's bid came under their projected cost. Mr. Leavings then stated that it was the recommendation of Whiteley Oliver Engineering to award the contract to LD Construction.

The mayor asked if there were any questions or discussion regarding the project. With there being none, he asked for a motion. Council Member Brown made a motion that Council accept the bid for the paving of Western Avenue from Irving to Foreman Road submitted by LD Construction. Her motion received a second from Council Member Shugart. Mayor Branch stated that upon completion of this project, Western Avenue will be completely repaved all the

way from Adams Bayou to Foreman Road. He then called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on awarding contract to Lark Group, Inc. for demolition of up to four properties deemed substandard and hazardous to the citizens of the city – Mayor Pro-Tem Kennedy made a motion that Council award the contract for demolition of up to four properties deemed substandard and hazardous to the citizens of the city to Lark Group, Inc. Council Member Odom seconded her motion. With there being no discussion on the matter, the mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on acceptance of an offer for the purchase of 1621 Western Avenue in the amount of \$17,000 – Council Member Odom made a motion that Council accept the offer of \$17,000 for the purchase of 1621 Western Avenue. Mayor Pro-Tem Kennedy seconded his motion. With there being no discussion on the matter, the mayor called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on acceptance of a donation to the City of property/structure located at 2713 Stevenson Street by Kathleen LeBlanc – Ms. LeBlanc addressed Council stating that she wanted to donate the property to the City as she no longer could take care of it. Mayor Branch asked her if she was aware that she owed \$12,859.67 in back taxes on the property. She responded that she knew. Council Member Shugart then made a motion that Council not accept Ms. LeBlanc's donation of property/structure located at 2713 Stevenson Street. Council Member Odom seconded this motion. He then stated that he would like to see if it would be possible to have the structure inspected, and then possibly added to the City's demolition list. He agreed that the City could not pay the back taxes in order to accept the property, but by tearing down the structure, it would decrease future taxes, which would be a blessing to her. Mayor Pro-Tem Kennedy asked Ms. LeBlanc if she had a clear deed to the property. She responded that she did. City Attorney Leavins stated that if Council was at all inclined to accept the property, he highly recommended that it be contingent upon an ownership and lien report to confirm that there are no other owners and no liens on the property and also that Ms. LeBlanc has the ability to convey full title to it.

Council Member Shugart then rescinded his motion. Mayor Pro-Tem Kennedy stated that she would like the issue to be tabled. Council Member Shugart then made a motion that this matter be tabled until a title search and any other necessary information can be obtained. The question of the back taxes was then discussed. City Attorney Leavins explained that even if the City accepted the property, the back taxes would be due upon sale of the property. (The City could waive its portion, but no other entity's.) Council Member Odom then seconded Council Member Shugart's motion. Mayor Branch questioned if anyone had any additional questions or comments. With there being none, he called for a vote, with the motion passing unanimously.

Discussion and Possible Action on approval of a Resolution authorizing the submittal of one or more applications to the Texas General Land Office for 2019 Disasters program funds, appointing the Mayor and Public Works Director as the authorized representatives for the application, and committing matching funds – Council Member Brown questioned the amount of the matching funds commitment. Chief Stelly responded that it would be 10% of the grant. Council Member Brown made a motion that Council approve a Resolution authorizing the submittal of one or more applications to the Texas General Land Office for 2019 Disasters program funds, appointing the Mayor and Public Works Director as the authorized representatives for the application, and committing matching funds. This motion received a second by Mayor Pro-Tem Kennedy. With there being no further discussion, Mayor Branch called for a vote. The motion passed unanimously.

Discussion and Possible Action on action on authorizing the Mayor to execute a contract extension with Ash Britt for a one year extension on the disaster recovery services contract – Council Member Odom made a motion that Council authorize the Mayor to execute a contract extension with Ash Britt for a one-year extension on the disaster recovery services contract. Council Member Dearing seconded the motion. Mayor Branch stated that this would be for debris removal. Chief Stelly added that it would also cover emergency services that may be necessary during a hurricane, such as man camps, generators, etc. With there being no further discussion, Mayor Branch called for a vote. The motion passed unanimously.

Discussion and Possible Action on authorizing the Mayor to execute a contract extension with Tetra Tech for a one year extension on the current debris monitoring contract – Mayor Pro-Tem Kennedy made a motion that Council authorize the Mayor to execute a contract extension with Tetra Tech for a one-year extension on the current debris monitoring contract. Council Member Odom seconded this motion. The mayor

explained that Tetra Tech does monitoring of the debris removal. He then asked if there were any questions or comments. With there being none, he called for a vote on the motion. The motion passed unanimously.

Discussion and Possible Action on Ordinance No. 355-D, an Ordinance repealing and replacing Ordinance No. 355-C in its entirety, regarding animal control within the city – Mayor Pro-Tem Kennedy made a motion that Ordinance No. 355-D be adopted, which repeals and replaces Ordinance No. 355-C in its entirety, regarding animal control within the city. Council Member Brown seconded her motion. Council Member Shugart questioned if this was being done because of the recent bee incident. Mayor Pro-Tem Kennedy responded that the new ordinance does add a section on bees, but it also makes a few other small revisions to the current ordinance. With there being no further discussion on the matter, Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on Ordinance No. 469, an Ordinance authorizing the suspension of the effective date of Entergy's proposed rate increase for an additional ninety (90) days and other findings and provisions related to the subject – Council Member Shugart made a motion that Council adopt Ordinance No. 469, an Ordinance authorizing the suspension of the effective date of Entergy's proposed rate increase for an additional ninety (90) days and other findings and provisions related to the subject. Mayor Pro-Tem Kennedy seconded his motion. City Attorney Leavins stated that this simply gives the Lawton Law Firm some time to look through the reviews and filings and contest it and negotiate it so that the new rates do not go into effect. Mayor Branch asked if there was any further discussion on the item. With there being none, he called for a vote on the motion, which passed unanimously.

Discussion and Possible Action on a request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road – Mr. Mellen addressed Council, stating that he was asking for permission and approval to construct an RV Park at 605 Foreman Road. Mayor Branch questioned Mr. Mellen regarding an issue that he had been made aware of regarding black water disposal. Mr. Mellen responded that each RV spot will have its own sewage cleanout. He stated that the park will also have one "communal" cleanout, as well. He reported that they will also have a manager on-site from 8-5 every day. There will be ladies' and men's ADA compliant showers.

Mr. Robin Strother, plant manager of Suez Water Technologies & Solutions (formerly GE Betz) then addressed Council. He explained that he was also speaking for Mr. Andrew Roy of Pelican Packaging, who was unable to attend the meeting. He stated that he wanted everyone to know that he understands the importance of improving the city's revenue and expanding businesses, but it needs to be done in the best interest of the community, its residents and its existing businesses. He believed that the development of an RV Park 250' away from a chemical plant not to be in the best interest of the community, and asked that the request to do so be denied. He explained that it would cause the need for increased capital investment of his plant for the security upgrades for his employees' safety, security financial assets and assuring Homeland Security responsibilities and recommendations are met. He anticipated the expense of an increased presence of security officer(s) to be \$10,000 per month; upgrade of perimeter fencing and lighting \$100,000; adding cameras along Williams Drive \$15,000. He is also concerned about the following: increased traffic congestion and accident risk at the hairpin turn at Foreman Road; traffic delays in getting large RVs in and out of the park; potential parking or turn-arounds at the dead end of Williams Drive which is the gate entrance of his plant; noise from the plant for the residents of the park; increased incident risk and response to those RV park residents to a hazardous event; overflow parking from the park on Williams Drive and Foreman Road which is an actively-used heavy commercial-vehicle road. He reported that he currently has ten in-bounds and ten out-bounds traveling Williams Drive and Foreman Road each day.

He again stated that he is for "growing" the community, but feels that there is more risk than benefit to this particular development. He then thanked Council for their time and asked them to take his concerns into consideration.

Council Member Shugart questioned Mr. Strother on the Homeland Security aspect of his plant. Mr. Strother responded that Homeland Security does audit the plant annually regarding specific chemicals of interest that are regulated. Should there be residents as close as the RV park, Homeland Security's requirements will change.

Council Member Brown asked Mr. Strother if he would have the same concerns if any other type business were to develop in that location. Mr. Strother replied that it would depend upon the number of people who would be in close proximity to the plant. Council Member Brown then asked Mr. Corbett if Mr. Mellen had met all other requirements of the ordinance. Mr.

Corbett responded that he had, with the exception of the number of common parking spaces available, however he had received an email from Mr. Mellen stating that they would forego one or two of the RV spots to make room for those parking spaces.

Council Member Brown suggested requiring RVs to exit the park only turning right onto Williams Drive. She asked Chief Stelly if this would be something that could be enforced. Chief Stelly suggested that the easiest exit would be onto Foreman Road, not Williams Drive.

Mr. Mellen stated that there is one entrance/exit on Foreman Road, but if Council wishes, he could add a second.

Council Member Shugart asked Chief Stelly for his opinion regarding the exits on Williams Drive. Chief Stelly had no preference regarding the exits, but he did state that he had a problem with residents that close to a chemical facility.

Mayor Branch asked what chemicals were on-site. Mr. Strother was not at liberty to give the specifics regarding those chemicals, but did say that they were flammable and combustible, Class 1. He added that he currently has three 20,000 gallon tanks and will soon add three more.

Council Member Odom then made a motion that Council table the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road so that the ordinance can be reviewed, as well as the site and its proximity to the plant. He added that he is uncomfortable with putting that many people that close to possibly being in harm's way. Mr. Mellen responded by stating that the southernmost RV slip is 83 yards from Suez property, which is the same distance from nearest house. He stated that he has never considered this a threat and that he would never put anyone in danger. Council Member Odom responded that this Council does not have any control over the past, but does over what happens in the future.

Council Member Dearing stated that should something happen, and the people involved start suing, they will be suing the City, saying that the "Council approved it to be put there after knowing that Suez came to you, warning you about the potentials." He then stated that he "does not want his name attached to it."

Mr. Mellen then asked Council and City Attorney Leavins how they could use that piece of land. What are their restrictions based on another's use? City Attorney Leavins responded that, as he represents the Council, he could not answer Mr. Mellen's question.

Mr. Mellen then asked if it would be possible to get a "list" from Council of things they could do with the property. Council Member Dearing suggested industrial warehousing. City Attorney Leavins then informed Mr. Mellen that all Council really could only address the request on the agenda, not anything else at the present time.

Mayor Branch then asked if there was a motion on the table. Mrs. Van Meter responded that there was a motion from Council Member Odom to table the item, but no second had been made. Council Member Brown then seconded the motion to table. City Attorney Leavins asked if it was a motion to table until the next meeting, or a motion to table until more information was available. Council Member Odom then stated that he actually wanted to take back his motion to table this, to rescind it and make a new motion. City Attorney Leavins asked Council Member Brown if she wished to second rescinding the motion. She replied, "no, I want to make a motion that we table this because she wants to check with Homeland Security on the Class 1 chemical." She also added that she wanted to find out what the blast radius would be on that, as well.

Council Member Odom stated that he wanted to rescind his motion to table and make a new motion to deny the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road. Council Member Brown then rescinded her second to Council Member Odom's original motion to table and then made a motion herself that the item be tabled.

Mayor Branch then asked if there was a second to Council Member Odom's motion to deny the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road. Council Member Kennedy seconded the motion.

Council Member Brown stated that she does not believe that Council should make a decision without all of the facts. She feels that information should come from Homeland Security.

City Attorney Leavins then clarified that since Council Member Brown did not rescind her second to Council Member Odom's original motion to table, that motion will have to be voted upon first. The motion was to table until Council had an opportunity to review the ordinance, as

well as the distance of the proposed park from the plant. Council Member Brown also wanted to add any OSHA requirements that may exist should be examined. City Attorney Leavins stated that that would need to be in the form of an amendment to the original motion. Council Member Odom did not wish to amend his motion. Mayor Branch then called for a vote on Council Member Odom's original motion table the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road so that the ordinance can be reviewed, as well as the site and its proximity to the plant. The vote to table the motion received three "ayes" from Mayor Branch and Council Members Shugart and Brown. The vote to table the motion received three "nays" from Mayor Pro-Tem Kennedy and Council Members Dearing and Odom. With there being a tie vote, the motion failed.

Council Member Odom then made a motion that Council deny the request submitted by Austin Mellen for approval to construct an RV park at 605 Foreman Road. Mayor Pro-Tem Kennedy seconded his motion. With there being no discussion, Mayor Branch called for a vote on the motion. Voting "aye" for Council Member Odom's motion to deny the request were: Mayor Pro-Tem Kennedy and Council Members Dearing and Odom. Voting "nay" for Council Member Odom's motion to deny the request were: Mayor Branch and Council Members Brown and Shugart. With there being a tie vote, the motion failed.

Mayor Branch then made a motion that this item be tabled until further information could be obtained regarding the chemicals and the blast radius, OSHA regulations and any other concerns that may come up.

Chief Stelly suggested that the mayor not make a motion at all. There is nothing pending on the matter at this time. It would allow everyone to do any investigating they wish. Mr. Mellen could then come back before Council with his request at a later date.

The mayor stated that he had already made his motion, but had not received a second. Council Member Shugart then seconded his motion. Commissioner Roccaforte suggested that Council also investigate what can actually be done on that property.

Mayor Branch then called for a vote on his motion. The motion passed with a unanimous vote.

Announcements

Mayor Branch then announced that the next Council meeting would be held on Monday, August 8, 2022 at 5:00 p.m.

Adjournment

With there being no further business before Council, Mayor Branch adjourned the meeting at 6:08 p.m.



Randy Branch, Mayor

ATTEST:



Theresa Van Meter, City Secretary

