

**City of West Orange
City Council
Monday, October 10, 2022
Regular 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
Michael Shugart, Sr.	Lanie Brown	

COUNCIL MEMBER ABSENT:

Brent Dearing

APPOINTED OFFICIALS PRESENT:

Chris Leavins	Mike Stelly	Jon Sherwin
Theresa Van Meter	Simmie Gibson	

OTHERS PRESENT:

Matt Frederick	Jane Branch	Sherry Hommel
Bobby Hommel	Charlotte Alford	Juanita Smith
David James	Sharon Thomas	Gerald Thomas
Dustin Hartsfield	Simmie Gibson	Dylan Gray
James Fisette		

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:

- **September 8, 2022 Budget Hearing**
- **September 8, 2022 Tax Rate Hearing**
- **September 12, 2022 City Council Meeting**
- **September 20, 2022 Special-Called Meeting**
- **September 20, 2022 Council Workshop**
- **September 26, 2022 Public Hearing**

Council Member Brown made a motion that each set of minutes be approved as presented. Council Member Shugart seconded her motion. With there being no discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

Staff Reports

Public Works – Jon Sherwin

Mr. Sherwin reported the following for the month of September, 2022:

Construction Projects

- Street Improvement Project (20-065-119-C390) 100% complete.
- Western Ave. main lanes to be paved out tomorrow and start intersections Wednesday. Stripe immediately after.
- City Hall generator project – Submittals received from contractor – engineer reviewing
- MacArthur Dr. – waiting on meters for electric to be installed
- LED sign – contractor has started ... no completion date
- WWTP – EDA for approval

Building Official

- 28 Permits issued
- 32 permits completed

Sanitation

- 26 Loads of green waste (44 tons) (32 loads)
- 6yd3/1.5 tons curbside C&D (6yd3/2 tons)

Animal Control

- 67 calls
- 15 intakes
- 2 claimed/3 adopted/10 rescued/0 euthanized
- 0 citations filed with the court

Street

- 3 tons HP Cold Mix applied
- 2 tons limestone placed
- Installation of 20 new signs

Parks

- Mowing 18.55 acres weekly
- Maintaining Park restrooms

Shop

- Daily maintenance on city vehicles (hydraulic lines, flats, etc...)
- 2 full service
- 30 for 30 on all ERV's w/no issues identified
- Mowing outfall ditches

Police Department– Mike Stelly

Chief Stelly gave the following statistics for the month of September, 2022:

- Traffic contacts 178
- Special traffic enforcement 92
- Crashes reported -0-
- Arrests 24
- Reports 84
- Calls for service 562
- Miles driven 11,090

Code Enforcement

- Violations investigated 171
- Violations filed w/court 55

Volunteer Fire Department – Simmie Gibson

Assistant Chief Gibson reported the following activity for the department during the month of September, 2022:

- Medical assist calls 8
- Mutual aid calls 1
- Lifting assist calls 1
- Cancelled en route 3
- False alarm – system malfunctions 2
- False alarm – system activation 3

Regular Session

Discussion and Possible Action on an application to the WOVFD submitted by Dylan Gray – Council Member Shugart made a motion that Dylan Gray's application for membership to the WOVFD be approved. Council Member Brown seconded his motion. With there being no discussion, the mayor called for a vote; motion carried.

Discussion and Possible Action on accepting the bid for demolition services from Lark Group, Inc. in the amount of \$30,700 – Mayor Pro-Tem Kennedy made a motion that the bid from Lark Group, Inc in the amount of \$30,700 be accepted for demolition services. Council Member Shugart seconded her motion. Mayor Pro-Tem Kennedy asked how many properties this bid covered. Mr. Sherwin replied that it covered demolishing five properties. There was no further discussion, therefore the mayor called for a vote. The motion passed unanimously.

Discussion and Possible Action on Ordinance No. 473, an Ordinance denying Entergy Texas, Inc.'s Statement of Intent and Application for Authority to Change Rates filed on July 1, 2022; finding that the meeting complies with the Open Meetings Act; making other

findings and provisions related to the subject; and declaring an effective date – A motion to approve Ordinance No. 473 was made by Council Member Brown and seconded by Mayor Pro-Tem Kennedy. The motion passed unanimously by vote of Council.

Discussion and Possible Action on Ordinance No. 302-E, an Ordinance repealing Ordinance No. 302-D and establishing Ordinance No. 302-E, defining the installation of HUD-Code Manufactured Homes within the City, requiring a permit for the installation of a HUD-Code manufactured home and setting forth the site requirements and other prerequisites to the issuance of a permit, providing definitions and providing for fees and containing penalties for the violation of this ordinance and containing a severability clause – Council Member Brown moved that Council pass Ordinance No. 302-E, an Ordinance repealing Ordinance No. 302-D and establishing Ordinance No. 302-E. Mayor Pro-Tem Kennedy seconded her motion.

Council Member Shugart inquired as to the changes from 302-D to 302-E. Mayor Branch responded that the main difference was that 302-D addressed manufactured homes manufactured home parks regulations within the City, whereas 302-E separates the two and addresses manufactured homes only. Another ordinance will be presented to Council in the near future that addresses manufactured home parks.

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

Discussion and Possible Action on a budget amendment to remove/reallocate funds budgeted in the 2022/2023 FY budget pertaining to the City's new fire truck – Council Member Shugart made a motion that Council pass this Resolution amending the City's 2022/2023 FY budget to remove/reallocate funds pertaining to the new fire truck. Council Member Odom seconded his motion. Mayor Branch explained that funds had been budgeted in the 2021/2022 FY budget to pay for the City's grant match portion of the truck. As the end of the year got closer and it was not certain whether or not the truck would be delivered before fiscal year end, this amount was added into the 2022/2023 FY budget, as well. As it turned out, the truck was delivered before the end of the 2021/2022 fiscal year, and the grant match was paid from that budget. The 2022/23 budget had already been adopted, however. Since those grant match funds were no longer needed, this expense could be removed from the new budget.

He further explained that not all of the funds would be deleted, as an additional \$2,952 was needed in the fire department's insurance expense line to cover the cost of insuring the new truck. This is the "reallocation" of funds mentioned.

With there being no questions or further discussion, Mayor Branch called for a vote on the motion, which passed unanimously.

Discussion and Possible Action to amend procedures for oversight of labor standards and contracts for grants funded through the General Land Office – Council Member Brown moved that the City's procedures for oversight of labor standards and contracts for grants funded through the General Land Office be amended as presented. Mayor Pro-Tem Kennedy seconded her motion. With there being no discussion, Mayor Branch called for a vote; motion carried.

Discussion and Possible Action on a request submitted by David James for a variance to Ordinance No. 302-D (or 302-E, if adopted above) – Council Member Shugart stated that he would like to make a motion to approve Mr. James variance in order to allow discussion on the matter. Council Member Brown seconded his motion.

Mr. David James addressed Council, explaining that he was in the process of purchasing four lots on Ester Street with the intent of placing HUD-code manufactured homes on them. During this process he became aware that changes to the ordinance were being considered by Council. He wished to request a variance from Council so that he could finish the project without additional restrictions or ordinances.

Mr. James had provided photographs of the properties and the manufactured homes, as well as a copy of the survey, and they were displayed on the Council room video screen. The homes were 2013 models. He added that they all have new roofs on them. These homes will be used as rental property.

Mayor Pro-Tem Kennedy stated that it appears to her that all of the requirements of the new ordinance would be met with the exception of obtaining approval of property owners within a 300' radius of the lots. Mr. James stated that that would be a "big requirement." He asked if it would just take one person to say "no." Mayor Branch responded, "Yes." Mayor Pro-Tem Kennedy responded, "It would, but you could come back to Council with that one person and Council could

consider that.”

Mr. James is buying the land from Juanita Smith and Charlotte Alford (sisters) and another gentleman is buying three houses from them across the street from this property.

Council Member Brown stated that, per the ordinance, in the inability to get in touch with a property owner, Council would assume that as an “approval”.

Mayor Branch then asked Mr. James if he had stated a specific variance that he was requesting from Council at that time. Mr. James responded that it depends on his movers and concrete guys and dirt haulers.

Mr. Sherwin stated that he understood Mr. James to be asking for a variance to the 300' stipulation. Mayor Pro-Tem Kennedy agreed, stating that she believed that to be the only thing for which he needed a variance. Mr. James stated that he assumed so, if everything else was the same.

Mr. Sherwin stated that everything else is the same, except he will have to apply for the permits for the installation of the homes through Mr. Corbett.

Mayor Branch then asked Mr. James if he had tried to fulfill the ordinance by speaking with his neighbors. He responded that he had not. The mayor asked him to try to get that information and return it to Council. Mr. James asked if he would need to come to another meeting. The mayor responded that if he fulfilled the requirements of the ordinance, he would not.

Council Member Shugart then made a motion to withdraw his original motion to approve Mr. James' request. Council Member Brown seconded this motion. A vote was cast; motion carried.

Executive Session

The mayor adjourned Regular Session and convened Executive Session pursuant to Section 551.071 of the Texas Government Code – Consultation with Attorney, and 551.074 of the Texas Government Code – Personnel Matters, regarding alternate and/or associate judge position in the municipal court at 5:29 p.m.

Announcements

Mayor Branch reconvened Regular Session at 6:14 p.m. He then made the following announcements:

- City-sponsored Fall Cleanup October 21 & 22, 2022
- Registrations are now being accepted for “Holiday in the Park”(Nov. 5, 2022)
- Next Council meeting: Monday, November 14, 2022; 5:00 p.m.

Adjourn

With there being no further business before Council, Mayor Branch adjourned the meeting at 6:15 p.m.



Randy Branch, Mayor

ATTEST:



Theresa Van Meter, City Secretary