

**CITY OF VIDOR  
VIDOR CITY COUNCIL  
REGULAR MEETING  
MAY 14, 2020**

**MEMBERS PRESENT:**

Mayor Kimberly Stiebig  
Councilmember Angela Jordan  
Councilmember Kelly Carder  
Councilmember Misty Songe  
Councilmember Keith Buesing  
Councilmember Gary Herrera  
Councilmember Jane Hill

**MEMBERS ABSENT:**

**Administrative Personnel:** Rollie Burr, Interim City Manager; Chris Leavins, City Attorney; Vicki Watson, City Secretary; Cheryl Ray, Supervisor of Finance & Accounting; and Rod Carroll, Chief of Police

**A. OPENING, PRESENTATIONS, AND CITIZENS COMMENTS**

**A -1. Call to order and the establishment of a Quorum**

A quorum was present, and the Regular Meeting of the Vidor City Council began at 7:01 p.m., Mayor Stiebig presiding.

**A -2. Invocation and Pledge to the United States Flag and the State of Texas Flag**

Rollie Burr, Interim City Manager, gave the Invocation and led the Pledge to the United States Flag and the State of Texas Flag.

**A -3. Citizen Comments**

Patrick Stom, Sr., 2790 Old Highway 90 East, explained he is 75 years old, has been a resident since 1992, and has two sons who live here with their families. Mr. Stom stated he feels Acadian has done a good job and will continue to do a good job, and he hopes Council exercises common sense when determining who our provider will be.

Brandon Hebert, Acadian Ambulance Regional Vice President, distributed a folder to each Council member. Mr. Hebert stated he went to work for Acadian in 1999, has been in leadership positions since 2008, and has been through Gustav, Ike, Harvey, and Imelda. Mr. Hebert stated he has a letter of support from Oakwood Manor (copy included in folder) and went on to explain Acadian has a lot invested in the community and asked Council for their careful consideration.

Grant Kelly, Acadian Ambulance, discussed Acadians' CAAS (*Commission on Accreditation of Ambulance Services*) accreditation and some of the standards it includes such as mutual aid, the best equipped vehicles, dispatch, etc. Mr. Kelly stated Acadian has 27 employees, including dispatch and mechanics, who live and work in Vidor.

John Morris, Acadian Ambulance and 285 Duke, explained he used to be a Council member and Fire Commissioner. Mr. Morris stated he has been with Acadian Ambulance for 14 years, and of the 749

ambulance services in Texas, only 12 have met the gold standard. Mr. Morris stated Acadian is an employee-owned company and is well-equipped for hurricanes (helicopters, AmBuses, and planes). Mr. Morris stated Acadian has 27 employees who live here, pay taxes here, and vote here.

## **B. COUNCIL CONSENT AGENDA**

### **B -1. Approval of Accounts Paid:**

<b>Paid Invoices:</b>	<b>General Fund – \$306,594.46</b>
	<b>Sanitation Fund – \$67,966.86</b>
	<b>Juvenile Case Management – \$102.92</b>
	<b>Municipal Court Building Security Fund – \$97.09</b>
	<b>Emergency Management – \$76.99</b>
	<b>Federal Forfeiture Fund – \$43,730.00</b>
	<b>TDA Grant – \$12,319.30</b>
	<b>Disaster Fund – \$27,233.47</b>
	<b>Employee Benefits Trust – \$59,086.05</b>

**B -2. Approval of Minutes:**      **Special Called Meeting – April 20, 2020**  
   **Regular Meeting – April 23, 2020**  
   **Special Called Meeting – April 30, 2020**

**B -3. Ratification of the transfer of funds from Interest & Sinking 2013 General Obligation Refunding Bonds-Capital One Bank account to Interest & Sinking 2008/2016 General Obligation Refunding Bonds-TexPool account in the following amounts:**

<b>April 29, 2020:</b>	<b>\$ 1,492.70</b>
<b>May 06, 2020:</b>	<b>\$ 1,564.87</b>

**B -4. Ratification of the payment of the monthly sales tax in the amount of \$4,410.77 out of General Account/Pooled Cash**

**B -5. Ratification of the payment of the quarterly criminal costs and fees in the amount of \$47,235.33 out of General Account/Pooled Cash**

A motion was made by Councilmember Carder, seconded by Councilmember Songe, to **APPROVE THE COUNCIL CONSENT AGENDA AS PRESENTED**. The Council voted six (6) for and none (0) opposed. The motion carried.

## **C. COUNCIL REGULAR AGENDA**

### **C -1. Swearing in of the newly elected Council members of the City Council**

*Jura los miembros del Concejo Municipal recientemente electos*

Angela Jordan was sworn in as Councilmember Ward 2, Misty Songe was sworn in as Councilmember Ward 3, and Gary Herrera was sworn in as Councilmember Ward 5 by Judge Michael Abbott.

### **C -2. Presentation of Certificates of Election to newly elected Council members of the City Council**

*Presentación del Certificados de elección y a los miembros del Concejo Municipal recientemente electos*

Judge Michael Abbott presented Certificates of Election to newly re-elected Council members Angela Jordan, Misty Songe, and Gary Herrera.

**C -3. Election of new officers of the Vidor City Council – Mayor Pro-tem, Treasurer**

***Elección de los nuevos funcionarios del Concejo Municipal de Vidor – Alcalde provisional, Tesorero***

Councilmember Herrera made a motion **to nominate Misty Songe as Mayor Pro-tem**. The motion was seconded by Councilmember Carder. The Council voted six (6) for and none (0) opposed. The motion carried and Misty Songe was elected Mayor Pro-tem.

Councilmember Songe made a motion **to nominate Angela Jordan as Treasurer**. The motion was seconded by Councilmember Buesing. The Council voted six (6) for and none (0) opposed. The motion carried and Angela Jordan was elected Treasurer.

*(Mayor Stiebig moved up agenda item C-10.)*

**C-10. Consideration and possible action to approve a Resolution amending the City’s Disaster Policy and Procedures related to essential personnel, rates of pay and other matters clarifying policies and compliance with federal requirements**

Mayor Stiebig stated this was previously gone over in a Zoom meeting, which was a very difficult meeting due to technological difficulties. Mayor Stiebig issued a statement to the 20+ employees in the audience expressing her appreciation for all that they do. Mayor Stiebig stated the employees have been handed a lot and performed to the highest standards.

Mayor Stiebig stated she thinks at this point, we should revert back to the old policy. Mayor Stiebig explained there was something with the CBA (*Collective Bargaining Agreement*), and the policy also needs new verbiage for FEMA. Mayor Stiebig recommended reverting back to the previous disaster policy which puts back the double pay, and then bring the new one back in a month or so once it has been reviewed. A brief discussion ensued.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to approve going back to the previous disaster policy and bring the agenda item back**. ROLL CALL VOTE: Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; and Councilmember Carder, aye. The Council voted six (6) for and none (0) opposed. The motion carried.

**C -4. Discussion and possible action regarding local hotels’ payment of hotel occupancy taxes and requests regarding same**

Mayor Stiebig explained we received a letter from one of the local hotels. Chris Leavins, City Attorney, stated this has been a statewide discussion and explained hotels have requested Hotel Occupancy Tax (HOT) be waived, or if not, be deferred. Mr. Leavins stated this has been looked at on multiple levels, and he does not think we could issue a waiver at all. Mr. Leavins stated Council could consider a deferment, but he is not aware of any in the area that are willing to do that. Mr. Leavins stated this is a pass-through tax similar to sales tax and explained if a room is not rented, no tax is collected. Mr. Leavins stated most local authorities have not done anything at this point. Mr. Leavins stated if Council wants to do something, a deferment is the only option, but the money would still be owed which would mean a larger payment at the end of the deferment period. Discussion ensued.

No action was taken.

**C -5. Discussion and possible action regarding use of hotel occupancy tax funds by Vidor Rotary due to cancellation of event(s)**

Mayor Stiebig explained the Rotary had their Cajun Night scheduled, but it got cancelled due to COVID-19. Ms. Stiebig stated they were planning to use Hotel Occupancy Tax (HOT) funds for that event. Cheryl Ray, Supervisor of Finance & Accounting and Vidor Rotary member, stated they are planning to have an online auction instead of holding an event. Chris Leavins, City Attorney, stated he has reached out to TML (*Texas Municipal League*), but there is nothing in the statute. Mr. Leavins stated an online auction does not put heads in beds and recommended having them refund the money. Mr. Leavins explained the rules are what they are, and no action is required.

**C -6. Consideration and possible action to approve a Resolution approving and ratifying the execution of GLO Contract No. 20-066-023-C168 related to the Community Development block Grant Disaster Recovery Program, Local Buyout/Acquisition Projects, Harvey Round 1 Funding**

Cheryl Ray, Supervisor of Finance & Accounting, stated this is a grant that has already been discussed. Ms. Ray explained we got it signed and just need it ratified.

Councilmember Carder moved to **ratify the GLO contract**. Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C -7. Consideration and possible action to approve a Resolution approving and ratifying the execution of the Grant Agreement between the Texas Division of Emergency Management and the City for FEMA grant related to COVID-19**

Cheryl Ray, Supervisor of Finance & Accounting, explained this is similar to the other and stated we had to get it signed.

A motion was made by Councilmember Carder, seconded by Councilmember Songe, to **ratify the grant agreement**. The Council voted six (6) for and none (0) opposed. The motion carried.

**C -8. Discuss and take possible action to award an engineering services contract to Schaumburg & Polk for the City's upcoming CDBG-MIT application and contract, if funded**

Cheryl Ray, Supervisor of Finance & Accounting, explained this is the large grant we are getting the surveys done for. Ms. Ray stated we had to secure an engineer, and SPI (Schaumburg & Polk) came out on top.

A motion was made by Councilmember Jordan, seconded by Councilmember Songe, to **award the contract to Schaumburg & Polk**. The Council voted six (6) for and none (0) opposed. The motion carried.

**C -9. Consideration and possible action to approve the Application for JAG grant for PD portion of Covid-19 expenses**

Aleta Cappen, Police Captain and Emergency Management Coordinator, explained this is a grant through the State for COVID-19 reimbursement. Captain Cappen stated this will only cover law enforcement and PPE (personal protective equipment) purchased for response. Captain Cappen stated there is only \$600K for our three-county region and explained our expenses so far are just under \$200K. Captain Cappen stated the good thing is we are not up against larger cities like Beaumont.

Councilmember Carder moved to **approve the application for the JAG grant**. Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-11. Consideration and possible action to approve a Resolution authorizing a permit to be issued for a private lake / pond to be located at 1000 Butler, Vidor, Texas**

Bobby McIntyre, 1000 Butler, explained the pond will be 15' deep and stocked with bass. Mr. McIntyre stated a proper fence will be placed around the whole property (17 acres). Mr. McIntyre explained the requirement is 100', but he would like to push the pad for the home to 110'. Mr. McIntyre stated he had the property sloped and has met all of the code requirements. Councilmember Buesing questioned why this had to come to Council instead of letting Code Enforcement handle it and asked the City Attorney to look into it.

A motion was made by Councilmember Songe, seconded by Councilmember Buesing, to **approve the Resolution for the pond permit for 1000 Butler**. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-12. Presentation by Kyle Stephens on a Master Park Plan and an application to TPWD for a Park Grant**

Captain Aleta Cappen, Emergency Management Coordinator, explained Kyle Stephens could not be here tonight and presented pictures of some of his work on the playground side. Captain Cappen explained we do not have to have a master plan to qualify for the grants for the smaller "pocket parks" (*neighborhood parks*), but if we want to qualify for the bigger grants for ballparks, etc., we do. Captain Cappen explained even though the City does not own all of the land at Conn Park, we could possibly develop and make what we do have more usable for the citizens of Vidor.

Captain Cappen explained these are 50-50 grants. Captain Cappen stated the master park plan, required for the larger grants, will take Mr. Stephens several months to complete and includes community involvement, surveys, and public hearings. Captain Cappen stated the cost to write the plan is \$26,000, which is the first step for us to qualify for the bigger grants.

Captain Cappen explained the deadline for turning in these grants is the first week in October, and by that time, Mr. Stephens will be pretty far into it and have a good idea of what we want for the pocket parks that we can apply for without having the master plan completed. Captain Cappen stated the master plan would then be ready for the next grant cycle and allow us to start applying for some of the multi-million-dollar grants. Captain Cappen stated Mr. Stephens will do the surveys, etc., and present it to Parks & Wildlife and is very confident we will be approved. Discussion ensued regarding how long the plan will be good, funding, the mitigation action plan, and the participation needed for the surveys. Cheryl Ray, Supervisor of Finance & Accounting, stated there is \$150K in economic progress, and she does not see why we cannot use \$26K to do something for our children. Ms. Ray explained we do not have to go out for bids for this because it is not federal money, and it is under \$50K.

**C-13. Discussion and possible action to hire Kyle Stephens P.E.MBA,CFM to prepare a Master Park Plan for the City of Vidor and to apply for a Texas Parks and Wildlife Park, Park Grant**

A motion was made by Councilmember Carder, seconded by Councilmember Songe, to **hire Kyle Stephens P.E.MBA,CFM to prepare a Master Park Plan for the City of Vidor and to apply for a Texas Parks and Wildlife Park, Park Grant**. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-14. Discussion and possible action to accept the resignation of Rollie Burr as Interim City Manager, effective May 22, 2020**

Mayor Stiebig explained Rollie (Burr) is following his heart and going back to where he feels called. Mr. Burr thanked Council for giving him the opportunity to be Interim City Manager and stated it has been an honor. Council thanked Mr. Burr for stepping in and helping out. Mayor Stiebig expressed her appreciation and stated Mr. Burr came in during very tumultuous times and has been a good leader for the employees and a good friend. Mr. Burr was given a standing ovation.

Councilmember Songe made a motion to accept Rollie Burr's resignation as Interim City Manager. Councilmember Carder seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-15. Discussion regarding contract negotiations between Orange County Emergency Services District No. 1 and Allegiance Ambulance and request for possible amendments to City's emergency services' ordinance under Chapter 21 of the Vidor Code of Ordinances**

Chris Leavins, City Attorney, explained the catalyst for this being on the agenda is in looking toward the shift from Acadian to Allegiance, there are things in our Ordinance that will need to be addressed. Mr. Leavins stated our Ordinance requires \$5M in property damage and \$5M in personal injury coverage, and they are requesting that we reduce that to one \$3M policy. Mr. Leavins stated the other two issues are the CAAS (Commission on Accreditation of Ambulance Service) certification and air rescue (helicopters) for accidents but explained he does not have all of the details under the new plan. Discussion ensued regarding CAAS certification and the higher standards it requires.

Mayor Stiebig expressed concerns with lowering the insurance requirement from \$5M to \$3M and stated we need to think about what is best for the community and what protects our citizens. Mr. Leavins stated he has not seen the policy, but understands it is a \$3M policy with a \$5M umbrella. Mr. Leavins stated the last thing he saw was \$1M per occurrence. Mr. Leavins stated under our Ordinance, the City must be a named insured and most umbrella policies do not have additional insureds. Mr. Leavins stated a \$5M umbrella may or may not include us, and if an accident or problem occurs, that is where the money comes from, not the City's TML policy.

Councilmember Herrera questioned what the ESD and Allegiance are going to do if the City does not amend the Ordinance. Commissioner Wyatt Boyett, Emergency Services District No. 1 (ESD1), stated ESD1 is going to hire Allegiance Mobile Health to be our ambulance service provider, and if the City does not come on board with the change to Allegiance Mobile Health, the City will be on its own to contract with an ambulance service provider. Mr. Boyett asked if the City is sure that Acadian complies with the insurance requirement now. Mr. Leavins responded he does not have that information as that was ceded to the ESD. Mr. Boyett stated he does not think Acadian has complied with the insurance part of the Ordinance since day one and does not think it should be an issue now to allow Allegiance to come in with an amendment to the Ordinance. Councilmember Songe stated decreasing the standards is an issue. Ms. Songe stated when the Ordinance was put in place and the agreement between ESD1 and all of the other cities, we trusted the ESD to make sure the insurance was aligned with what all of the cities (*City of Vidor, City of Orange, City of Bridge, and City of Pinehurst*) had demanded. Ms. Songe stated that was the purpose of having the interlocal and putting it in the ESD's hands and questioned why the ESD does not have an answer to the insurance questions. Mr. Boyett stated it did not appear to be an issue all these years and questioned why make it an issue now. Councilmember Carder stated if it is a violation of an Ordinance, it is always an issue. Mayor Stiebig questioned why the issues with the Ordinance are just now being brought to our attention instead of a year ago when this started. Mr. Boyett responded that their attorney finally did a side-by-side comparison of the Ordinances and the contract, and that is when the discrepancies came up. A lengthy discussion ensued.

Dan Gillespie, Chief Operating Officer with Allegiance Mobile Health, stated the insurance they have is well beyond industry standards. Mr. Gillespie stated Acadian probably helped write the language in the current Ordinance and explained the CAAS accreditation is great to have, but it does not mean those without it are subpar. Mr. Gillespie explained Allegiance provides 9-1-1 services in 20 counties in the State of Texas, and he has letters of recommendation from every one of their contracted entities.

Mr. Gillespie stated they are not here because Allegiance solicited the contract, but explained a little over a year ago, he received a phone call that said certain areas of Orange County were struggling to get ambulances on scene in a timely manner and would like Allegiance to come talk and look at options. Mr. Gillespie stated this does not mean that Acadian is a bad service; they are a great service, but Allegiance's model is slightly different. Mr. Gillespie explained the ESD1 will gain much more control over the delivery of EMS in the district as ambulances and crews would be based in the fire station. Mr. Gillespie stated Allegiance has purchased four custom ambulances which have been custom painted with custom graphics and equipped with the latest and greatest equipment. Mr. Gillespie explained Allegiance has invested well over \$750K in the district, and they have not even started yet.

Mr. Gillespie stated the GPS tracking, the absolute transparency and oversight the district will gain will improve response times and ambulance service. Mr. Gillespie discussed the ability to provide hurricane responses and their relationship with Air Rescue which has a helicopter in Beaumont and one Jasper.

Mr. Gillespie explained the ambulance crews do not do both non-emergency transports and 9-1-1. Mr. Gillespie stated 9-1-1 calls can be supplemented with transport crews, but transport crews do not do 9-1-1 calls. Mr. Gillespie explained the response time will be 8 minutes flat 90% of the time instead of 8 minutes and 59 seconds at 80%. When asked by Mayor Stiebig who contacted him, Mr. Gillespie responded that they received a call from someone in the Judge's office and someone from the Emergency Management office.

Councilmember Jordan stated her question was never answered and asked again if Allegiance would consider meeting the Ordinance's insurance requirements. Mr. Gillespie explained umbrella policies do allow additional insureds, and they are not opposed to making their insurance policy match the City's Ordinance.

Mr. Gillespie addressed staffing concerns from Council and advised the contract does not begin until mid-August, so they have not started bringing people on yet, but most of the applications are from people who have been in the area for a long time. Councilmember Songe asked Mr. Gillespie if he was aware when he was first contacted by the ESD that the ESD had just re-signed the contract with Acadian. Mr. Gillespie stated when they came into the conversation, ESD1 had not re-signed yet and were exploring options to decide if they wanted to change or not. Mr. Gillespie stated ESD1 decided to take a step back and give opportunity for changes to be made. Mr. Gillespie stated Allegiance stepped back for probably a good year, and then they were re-contacted to come back in. Mr. Boyett stated they would have violated the contract with Acadian if they had allowed the contract to expire. Mr. Boyett explained in response to the earlier question about why they are just now looking at the Ordinance and comparing is that at that time, Acadian was the only game in town, but Allegiance is now part of the equation. Mr. Boyett stated if Acadian did not meet the insurance requirements, who was going to say anything as there was nothing to compare it to. Discussion ensued regarding permitting and Ordinance requirements.

In response to Councilmember Buesing's question regarding who gives the ambulances permission to work in the City, Mr. Leavins stated the City ceded that to the ESD; they are the ones that permit on behalf of the City and monitor everything. Mr. Leavins stated we do not specifically have access to that information as long as the interlocal remains in effect.

Mr. Boyett stated the City's Ordinance supersedes anything in the contract. Mr. Leavins explained he does not have the contract in front of him, but it is his understanding regarding the interlocal that they basically enforce the Ordinance and is why the ESD has its own Ordinance which is substantially similar to ours and has the same insurance requirements, etc. Mr. Leavins stated that is where the side-by-side comparison came from. Councilmember Jordan stated we want things to be as unified as we can be, and if we have to separate, it is going to cause issues. Discussion ensued.

Councilmember Songe questioned dispatch services if the City does not stick with the ESD. Rod Carroll, Chief of Police, explained when a 9-1-1 call comes in, we are the central dispatching location for the City of Vidor. Chief Carroll stated the police dispatcher takes the call and gets the address, then transfers it to the appropriate service. A lengthy discussion ensued.

Mayor Stiebig asked the City Attorney to email the information to Council as soon as it has been provided so that it can be placed on the agenda.

**C-16. EXECUTIVE SESSION - Deliberation pursuant to Texas Government Code, Section 551.071 – Consultation with Attorney, and Section 551.074 – Personnel Matters, regarding the interim and/or permanent City Manager position, including interview of Robbie Hood and review of applications**

Mayor Stiebig recessed the Regular Meeting to go into **EXECUTIVE SESSION - Deliberation pursuant to Texas Government Code, Section 551.071 – Consultation with Attorney, and Section 551.074 – Personnel Matters, regarding the interim and/or permanent City Manager position, including interview of Robbie Hood and review of applications** at 8:51 p.m.

Mayor Stiebig reconvened the Regular Meeting at 9:36 p.m.

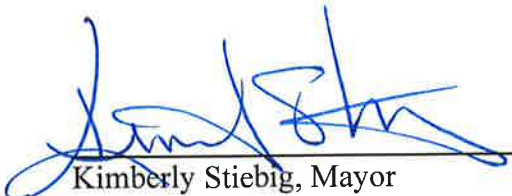
**C-17. Consideration and possible action resulting from Executive Session under C-16 regarding the interim and/or permanent City Manager position**

Councilmember Carder moved to **extend an offer to Robbie Hood for the permanent City Manager position and notify applicants, pending legal review and contract negotiations.** Councilmember Songe seconded the motion. ROLL CALL VOTE: Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; Councilmember Carder, aye; and Councilmember Jordan, aye. The motion carried.

**C-18. Consideration of Adjournment**

A motion was made by Councilmember Songe, seconded by Councilmember Herrera for **Consideration of Adjournment.** The Council voted six (6) for and none (0) opposed. The motion carried, and the Regular Meeting of the Vidor City Council adjourned at 9:37 p.m.

*These minutes approved May 28, 2020.*

  
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Kimberly Stiebig, Mayor

ATTEST:

  
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Vicki Watson, City Secretary