

**CITY OF VIDOR  
VIDOR CITY COUNCIL  
REGULAR MEETING  
JUNE 11, 2020**

**MEMBERS PRESENT:**

Councilmember Angela Jordan  
Councilmember Kelly Carder  
Councilmember Misty Songe  
Councilmember Gary Herrera  
Councilmember Jane Hill

**MEMBERS ABSENT:**

Mayor Kimberly Stiebig  
Councilmember Keith Buesing

**Administrative Personnel:** 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 7:02 p.m., Mayor Pro-tem Songe presiding.

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

Chris Leavins, City Attorney, gave the Invocation and led the Pledge to the United States Flag and the State of Texas Flag.

**A -3. Presentation to Explorers**

Sergeant Tom Meadows gave an overview of the Police Explorer program. Sgt. Meadows explained two of the explorers have been with the Vidor Police Department for a number of years and always volunteer for community outreach programs and fundraisers and go above and beyond. Sgt. Meadows, along with Officer Amber Meadows, presented Isaiah Lewing and Adriana Roque with plaques in recognition of their service and scholarship checks in the amount of \$250 each.

**A -4. Citizen Comments**

Betty Garbs, 625 E. Courtland Street, spoke in opposition to Acadian Ambulance Service. Ms. Garbs blamed Acadian for the death of her daughter, Mikayla Santana, who was only 19 years old. Ms. Garbs stated she has fought, and will continue to fight, to get Acadian out of here.

Brandon Hebert, 7760 Summer Wind Drive, Beaumont, spoke on behalf of Acadian Ambulance and addressed some of the dialogue from the previous meeting. Mr. Hebert explained he did not realize that the insurance was in question and stated he would like to sit down and review it with Council before it is assumed to be something it is not. Mr. Hebert stated he also feels the CAAS certification was downplayed

**B. COUNCIL CONSENT AGENDA**

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

**Paid Invoices:**

**General Fund – \$174,689.88**

**Sanitation Fund – \$33,242.32**

**Juvenile Case Management – \$131.93**

**Municipal Court Building Security Fund – \$28.36**  
**Judicial Efficiency Fund – \$1,644.57**  
**Emergency Management – \$705.97**  
**TDA Grant – \$1,800.00**  
**Disaster Fund – \$8,876.43**

**B -2. Approval of Minutes: Regular Meeting – May 28, 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>May 26, 2020:</b>	<b>\$ 440.20</b>
<b>June 01, 2020:</b>	<b>\$4,745.10</b>
<b>June 08, 2020:</b>	<b>\$3,452.37</b>

A motion was made by Councilmember Carder, seconded by Councilmember Jordan, to **APPROVE THE COUNCIL CONSENT AGENDA AS PRESENTED**. The Council voted five (5) for and none (0) opposed. The motion carried.

**C. COUNCIL REGULAR AGENDA**

**C -1. Consideration and possible action to approve a Resolution authorizing a permit to be issued for a private lake / pond to be located at 340 Lawrence, Vidor, Texas**

Chris Leavins, City Attorney, stated the Resolution contains the requirements for the permit. Mr. Leavins explained the Ordinance requires signatures from any landowner within 100' and discussed other things to be aware of.

A motion was made by Councilmember Jordan to table this item until further information is obtained. Councilmember Hill seconded. No action was taken on this item.

**C -2. Consideration and possible action to approve a Resolution approving and authorizing the execution of a contract with SPI for engineering services on CDBG-MIT**

Chris Leavins, City Attorney, explained this is a bit premature as it is still in the application process. Mr. Leavins stated it can be brought back at a later date.

**C -3. Discussion regarding possible ways to improve the participation of income surveys the City is receiving for CDBG-MIT grant opportunities**

Cheryl Ray, Supervisor of Finance & Accounting, reviewed the information needed for each survey. Ms. Ray explained this is a federal form; we did not come up with it. A brief discussion ensued.

Ms. Ray stated all we are doing is putting in the address and income. Ms. Ray explained we are at 40%, but we need to be at 80% participation, or our chances for getting this huge grant are very small Ms. Ray explained this information is needed within the next six weeks and distributed a list to each Council member for their Ward listing addresses that have not completed the survey. Discussion ensued regarding competition between Council members and how to handle vacant properties.

**C -4. Discussion and possible action regarding roadwork on First street, Flint Hills pipeline, possible approval of Letter of No Objection and agreements for replacement of asphalt on project**

Michelle Falgout, Falgout Consulting, stated the last time she was here, Council approved the contractor for the project, and she had told Council that we had verbal approval from both of the pipeline companies. Ms. Falgout explained we had verbal approval from both companies and written approval from one, but we had another document she thought was written approval, but it was an agreement, not an approval. Ms. Falgout explained Chris (Leavins, City Attorney) has been working with the pipeline company's legal folks on whether or not we have to do this agreement.

Ms. Falgout stated Council previously approved the base bid and the additive alternate, the little section on First Street north of Grand where the pipelines are located. Mr. Leavins stated when he went through the letter, it was much broader than we thought, and discussed an indemnity, something we do not do as a governmental entity. Mr. Leavins reviewed the City's options: proceed as is or not do the added alternate as Ms. Falgout suggested.

Ms. Falgout stated we have met all of their specification requests and explained all we will be doing to that section is sweeping the rocks off and laying asphalt, without vibration, using only the roller. Ms. Falgout stated all of the changes the pipeline companies wanted on those plans have been placed on the plans. Ms. Falgout explained Council agreed to do the base bid and the additive alternate at the last meeting, but we can opt to remove the additive alternate if an agreement cannot be reached. Ms. Falgout stated the contractor is ready to go, and if it is approved pending Mr. Leavins' legal review, we would not have to wait two weeks to bring it back to Council.

A motion was made by Councilmember Carder, seconded by Councilmember Herrera, **to proceed with the additive alternate pending agreement with the City and contract language.** The Council voted five (5) for and none (0) opposed. The motion carried.

**C -5. Consideration and possible approval of final payment on Oakland and Lakeside work to Gulf Coast Materials under FEMA grant**

Cheryl Ray, Supervisor of Finance & Accounting, explained we are asking that we be able to sign for the final payment of the retainage for the Oakland and Lakeside project.

Councilmember Jordan made a motion **to approve the final payment to Gulf Coast**, and Councilmember Herrera seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

**C -6. Discussion and Report on 2020 Drainage Project for the City of Vidor**

Michelle Falgout, Falgout Consulting, explained draft plans and details have been drawn up, and they are finalizing that and making great progress. Ms. Falgout stated they are working through the final utility locates and discussed a fiber optic line that runs down that side of Lamar which will require getting the company that installed it out to locate it. Ms. Falgout stated there are 17 houses on the west side of Lamar between Interstate 10 and Lowe Street, and she, Romeo (Lingad, Supervisor of Streets/Drainage/Parks), and Robbie (Hood, City Manager) will be going door-to-door next week and speaking with property owners to let them know what we are planning. Ms. Falgout explained Romeo has already put door hangers on their doors letting them know that someone from the City will be coming to speak with them.

Ms. Falgout gave a brief update on the work to be done at Lamar and Interstate 10 and explained Chris Leavins, City Attorney, is working on the easement for the property behind Market Basket. A brief discussion ensued.

**C -7. Consideration and possible action to approve a Resolution approving and authorizing the execution of a CDBG-DR Infrastructure contract with the General Land Office (#20-065-120-C407)**

Cheryl Ray, Supervisor of Finance & Accounting, explained after months of planning, we have finally been awarded \$5.6M for infrastructure improvements.

A motion was made by Councilmember Carder, seconded by Councilmember Jordan, **to approve the Resolution approving and authorizing the contract.** The Council voted five (5) for and none (0) opposed. The motion carried.

**C -8. Consideration and possible action to approve a Resolution approving and authorizing signatories for the City's CDBG-DR Infrastructure contract (#20-065-120-C407)**

Cheryl Ray, Supervisor of Finance & Accounting, explained this is the same contract and the signatures involved with it.

Councilmember Jordan moved **to approve the Resolution authorizing the signatories.** Councilmember Herrera seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

**C -9. Consideration and possible action to approve a Resolution adopting/reaffirming civil rights policies and procedures relating to the City's CDBG-DR Infrastructure contract (#20-065-120-C407)**

Cheryl Ray, Supervisor of Finance & Accounting, explained since this is a federal contract, we are required to reaffirm our civil rights policies.

A motion was made by Councilmember Carder, seconded by Councilmember Herrera, **to approve the Resolution.** The Council voted five (5) for and none (0) opposed. The motion carried.

**C-10. Consideration and possible action to approve Robbie Hood replacing Angela Jordan on the Orange County Economic Development Corporation Board**

A motion was made by Councilmember Jordan **to remove herself from the Orange County Economic Development Corporation Board and replace her with Robbie Hood.** Councilmember Carder seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

**C-11. Consideration and possible action to accept the letter of resignation from Kimberly Stiebig as Mayor of the City of Vidor, Texas**

Councilmember Jordan moved **to accept the letter of resignation from Kimberly Stiebig,** and Councilmember Carder seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

**C-12. EXECUTIVE SESSIONS**

- A. EXECUTIVE SESSION pursuant to Texas Local Government Code Section 551.074 – Personnel Matters, regarding deliberation of appointment to fill Mayoral vacancy for the City, and pursuant to Section 551.071 – Consultation with Attorney, regarding legal interpretation of**

applicable Texas Local Government Code, Texas Election Code and City Charter provision regarding appointment and filling of city public office vacancy

**B. EXECUTIVE SESSION pursuant to Texas Local Government Code Section 551.071 – Consultation with Attorney, regarding legal considerations of ordinances governing pedestrians on public roadways**

**C. EXECUTIVE SESSION pursuant to Texas Local Government Code Section 551.071 – Consultation with Attorney, regarding legal considerations regarding governance and regulation of ambulance services within the City and the terms and provisions of the Interlocal Agreement with Orange County Emergency Services District No. 1**

Mayor Pro-tem Songe recessed the Regular Meeting to go into **EXECUTIVE SESSION - Deliberation pursuant to Texas Government Code, 1) Section 551.074 – Personnel Matters, regarding deliberation of appointment to fill Mayoral vacancy for the City, and pursuant to Section 551.071 – Consultation with Attorney, regarding legal interpretation of applicable Texas Local Government Code, Texas Election Code and City Charter provision regarding appointment and filling of city public office vacancy; 2) Section 551.071 – Consultation with Attorney, regarding legal considerations of ordinances governing pedestrians on public roadways; and 3) Section 551.071 – Consultation with Attorney, regarding legal considerations regarding governance and regulation of ambulance services within the City and the terms and provisions of the Interlocal Agreement with Orange County Emergency Services District No. 1** at 7:39 p.m.

Mayor Pro-tem Songe reconvened the Regular Meeting at 8:20 p.m.

*(Mayor Pro-tem Songe skipped item C-13 and explained we will go back to it.)*

**C-14. Consideration and possible action resulting from Executive Session under C-12.B., including ordinances governing pedestrians on public roadways**

Councilmember Herrera made a motion to **proceed forward with paperwork and more research on governing pedestrians on public roadways**, and Councilmember Carder seconded. ROLL CALL VOTE: Councilmember Carder, aye; Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Herrera, aye; and Councilmember Hill, aye. The motion carried.

**C-15. Consideration and possible action resulting from Executive Session under C-12.C, including governance and regulation of ambulance services within the City and the Interlocal Agreement with Orange County Emergency Services District No. 1**

A motion was made by Councilmember Herrera, seconded by Councilmember Carder, to **amend the Ordinance and take out the CAAS certification and bring back for final approval**. ROLL CALL VOTE: Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Herrera, aye; Councilmember Hill, aye; and Councilmember Carder, aye. The motion carried.


**C-13. Consideration and possible action resulting from Executive Session under C-12.A, including appointment of individual to fill Mayoral vacancy for the City**

Councilmember Jordan moved to **appoint Kelly Carder to fill the Mayoral vacancy**. Councilmember Hill seconded. ROLL CALL VOTE: Councilmember Jordan, aye; Councilmember Songe, nay; Councilmember Herrera, aye; and Councilmember Hill, aye. *(Councilmember Carder abstained.)* The Council voted three (3) for and one (1) opposed. The motion carried.

**C-16. Consideration of Adjournment**

A motion was made by Councilmember Jordan, seconded by Councilmember Herrera, for **Consideration of Adjournment**. The Council voted five (5) for and none (0) opposed. The motion carried, and the Regular Meeting of the Vidor City Council adjourned at 8:23 p.m.

*These minutes approved June 25, 2020.*

  
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Kelly Carder, Mayor

ATTEST:

  
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Vicki Watson, City Secretary