

**CITY OF VIDOR  
VIDOR CITY COUNCIL  
REGULAR MEETING  
AUGUST 13, 2020**

**MEMBERS PRESENT:**

Mayor Kelly Carder  
Councilmember Julie Hannon  
Councilmember Angela Jordan  
Councilmember Misty Songe  
Councilmember Keith Buesing  
Councilmember Gary Herrera  
Councilmember Jane Hill

**MEMBERS ABSENT:**

**Administrative Personnel:** Robbie Hood, 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 7:00 p.m., Mayor Carder 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. Citizen Comments**

Robert Crane, Acadian Ambulance, explained the switch from Acadian to Allegiance will take place on Sunday, August 16, 2020, at 7:00 a.m. Mr. Crane stated this will be the last Council meeting he attends as a supervisor for Acadian Ambulance and thanked everyone he has worked with for the past ten years. Mr. Crane stated it has been quite a ride through hurricanes and everything else and wished the City the best moving forward.

**B. COUNCIL CONSENT AGENDA**

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

<b>Paid Invoices:</b>	<b>General Fund – \$273,784.87</b>
	<b>Sanitation Fund – \$40,794.06</b>
	<b>Juvenile Case Management – \$102.82</b>
	<b>Municipal Court Building Security Fund – \$36.64</b>
	<b>Emergency Management – \$85.99</b>
	<b>Judicial Efficiency – \$310.48</b>
	<b>TDA Grant – \$32,652.60</b>
	<b>Hotel Occupancy Tax – \$2,620.00</b>
	<b>Disaster Fund – \$6,322.80</b>
	<b>Employee Benefits Trust – \$57,869.96</b>

**B -2. Approval of Minutes: Regular Meeting – July 23, 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:**

July 28, 2020:	\$ 1,175.56
August 03, 2020:	\$ 1,101.40
August 10, 2020:	\$ 1,587.29

**B -5. Ratification of the payment in the amount of \$340,800.00 for the City of Vidor, Texas General Obligation Refunding Bonds, Series 2016 - Principal and Interest Payment – TexPool account**

**B -6. Ratification of the payment in the amount of \$95,266.75 for the City of Vidor, Texas General Obligation Refunding Bonds, Series 2013 – Principal and Interest Payment – First Financial Bank account**

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, 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. PUBLIC HEARING regarding a CDBG-MIT application to the Texas General Land Office**

Mayor Carder opened the **PUBLIC HEARING regarding a CDBG-MIT application to the Texas General Land Office** at 7:02 p.m.

Melinda Smith, Traylor & Associates, stated the CDBG Mitigation Program is new to the State of Texas. Ms. Smith explained this is the “pot of money” we have all been waiting to roll out. Ms. Smith explained applications can be a minimum of \$3,000,000 and up to \$100,000,000, and the activities are the normal HUD CDBG activities and must also meet the definition of HUD mitigation projects.

Ms. Smith stated after the citizen comments from previous Council meetings and Drainage District meetings the City participated in, flood and drainage seem to be the primary concern for the citizens in this area. Ms. Smith stated this will be the primary focus as we enter into the development state. Ms. Smith reviewed the process and explained applications are due to the General Land Office on October 28, 2020. Ms. Smith also discussed the use of past funds

A citizen from the audience, Lauren Buckley, asked that Maplecrest be a top priority for the drainage project if it is not already. Ms. Buckley asked if any plans for Maplecrest in the grant proposal could be shared. Cheryl Ray, Supervisor of Finance & Accounting, explained if we do not get the surveys done, Maplecrest will probably not be a high priority in that project. Mayor Carder stressed the importance of the surveys, and. Robbie Hood, City Manager, stated this grant is not just for one area, but will be for a city-wide project to help water flow and get it out like it is supposed to.

Mayor Carder closed the **PUBLIC HEARING regarding a CDBG-MIT application to the Texas General Land Office** at 7:08 p.m.

**C -2. PUBLIC HEARING regarding a CDBG-MIT HMGP supplemental application to the Texas General Land Office**

Mayor Carder opened the **PUBLIC HEARING regarding a CDBG-MIT HMGP supplemental application to the Texas General Land Office** at 7:08 p.m.

Melinda Smith, Traylor & Associates, explained this program is one the Texas General Land Office (GLO) put out as a part of the large pot of money and is intended to supplement the HMGP projects that were filed with FEMA and TDEM. Ms. Smith stated she is unsure if there were 26 communities, or 26 projects period, submitted and the City of Vidor's two projects that were remaining on the list (Terry Gulley retention pond and Alamo Street crossing) were chosen. Ms. Smith explained if they had been approved under HMGP, it would have been a 75-25 split, but under this program, GLO will be picking up the tab at 100%. There was applause, and when Mayor Carder asked if there were any citizen comments from the audience, Jerad Spencer, Flair Real Estate, called out "Woohoo!"

Robbie Hood, City Manager, explained he was a part of the conference call when we found out these funds were transferred from TDEM to this pool of money. Mr. Hood stated he just came from a city that did not get any money, so the City of Vidor is very lucky. There were no other citizen comments.

Mayor Carder closed the **PUBLIC HEARING regarding a CDBG-MIT HMGP supplemental application to the Texas General Land Office** at 7:11 p.m.

**C -3. Consideration and possible action to approve a Resolution approving and authorizing signatories for the City's CDBG-DR Buyout/Acquisition contract (#20-066-023-C168)**

Cheryl Ray, Supervisor of Finance & Accounting, explained this is something we have to do to make sure the funds are deposited into the correct account.

A motion was made by Councilmember Songe, seconded by Councilmember Buesing, **to approve the Resolution approving and authorizing signatories for the acquisition contract.** The Council voted six (6) for and none (0) opposed. The motion carried.

**C -4. Consideration and possible action to approve a Resolution adopting/reaffirming civil rights policies and procedures relating to the City's CDBG-DR Buyout/Acquisition contract (#20-066-023-C168)**

Cheryl Ray, Supervisor of Finance & Accounting, explained the federal government requires us to have these civil rights policies for all of the CDBG contracts.

Councilmember Jordan moved **to approve the Resolution adopting/reaffirming civil rights policies and procedures.** Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C -5. Certification of the 2020 Anticipated Collection Rate & 2019 Excess Debt Collections as presented by the Orange County Tax Assessor-Collector**

Mayor Carder stated, *"The Certification of the 2020 Anticipated Collection Rate & 2019 Excess Debt Collections as presented by the Orange County Tax Assessor-Collector is as follows: 'I, Karen Fisher, Collector for the City of Vidor solemnly swear that the anticipated collection rate for the year 2020 for the City of Vidor (Debt Service) has been estimated to be 109% and the amount of excess debt service funds*

*collected in the year 2019 has been determined to be \$0' signed by Karen Fisher. City of Vidor is required to receive the certification from Karen Fisher."*

Cheryl Ray, Supervisor of Finance & Accounting, explained we do this every year but stated she does not know how they came up with the 109%. Ms. Ray stated they figure all of that, we just have to accept it.

Councilmember Songe made a motion to **approve the collections as presented by the Tax-Assessor Collector**, seconded by Councilmember Jordan. ROLL CALL VOTE: Councilmember Hannon, aye; Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; and Councilmember Hill, aye. The motion carried.

**C-6. Certification of the 2020 Property Values as presented by Orange County Tax Assessor-Collector**

Mayor Carder stated, *"The Certification of the 2020 Property Values as presented by Orange County Appraisal District states the following: 'I, Scott W. Overton, Chief Appraiser for Orange County, solemnly swear that I have made or caused to be made a diligent inquiry to ascertain all property in the District subject to appraisal by me and that I have included in this summary the market and taxable values of all property that I am aware of, at an appraised value determined, as required by law.' The City of Vidor's Total Taxable Value is \$415,580,378 and the Freeze Adjusted Taxable (Net Taxable minus Freeze Taxable minus Transfer Adjustment) is \$366,003,701."*

Cheryl Ray, Supervisor of Finance & Accounting, stated this is the certified totals for this year and explained the total taxable was negligibly higher than it was last year.

A motion as made by Councilmember Songe, seconded by Councilmember Buesing, to **approve the certified property values**. ROLL CALL VOTE: Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; and Councilmember Hannon, aye. The motion carried.

**C-7. Consideration and possible action on establishing a proposed Maintenance and Operation tax rate and an Interest and Sinking tax rate and giving notice of public hearings, if necessary**

Cheryl Ray, Supervisor of Finance & Accounting, stated, *"The Certified Taxable Value is lower than Preliminary Values by \$16,313,165 as presented in the first draft of the budget. The City's current tax rate is .70371 which was used in the first draft of the budget. Staff is proposing that Council pass the same tax rate as last year of .70371."*

Mayor Carder, stated, *"Council needs to discuss and approve a maximum tax rate today, but that is not necessarily the tax rate that will be adopted by Council."* Ms. Ray discussed some of the new language and explained the proposed rate used in the tentative budget is the same as last year's rate. Ms. Ray stated we lost \$98,000 in revenue between the preliminary values and the certified values.

Mayor Carder asked if there was any discussion. Councilmember Herrera stated no, as long as the tax rate is staying the same. Councilmember Buesing concurred.

Mayor Carder stated, *"Council approves using .70371 as the maximum total tax rate at this time. The breakdown of the proposed tax rate is as follows: \$0.59959 for Maintenance & Operation, \$.10412 for Interest and Sinking with a combined proposed tax rate of \$0.70371; a public hearing is required and will be held on August 27, 2020 at 7:00 p.m."*

A motion was made by Councilmember Jordan, seconded by Councilmember Songe, **to go with the Finance Director's recommendation and keep the tax rate the same as last year.** ROLL CALL VOTE: Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; Councilmember Hannon, aye; and Councilmember Jordan, aye. The motion carried.

**C -8. Discussion of the tax rate for Fiscal Year 2020- 2021**

Cheryl Ray, Supervisor of Finance & Accounting, explained Council has already discussed this.

**C- 9. Consideration and possible approval of the final payment to LD Construction for the 2020 Road Rehab Project**

Michelle Falgout, Falgout Consulting, explained the proposed payment documents are in the packets and include her cover letter, her summary, LD Construction's summary (which matches hers), and the one-year affidavit of warranty. Ms. Falgout stated the striping on North Tram looks fantastic and commended Councilmember Herrera for the suggestion. Ms. Falgout stated the job is done, and this is their one and only bill.

Ms. Falgout stated she would highly recommend LD Construction when asked by Councilmember Herrera. Ms. Falgout stated they were very good to work with and stayed on top of things so that they were able to complete the job within 28 days. A brief discussion ensued.

A motion was made by Councilmember Songe **to approve payment to LD Construction for the 2020 Road Rehab Project.** Councilmember Buesing seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-10. Consideration and possible action to approve a Resolution approving and authorizing the software contract with Fund Accounting Solution Technologies, Inc. as new accounting software for the City**

Cheryl Ray, Supervisor of Finance & Accounting, explained the City's current software was migrated to in 2002 or 2003. Ms. Ray stated it is COBOL based and shuts down all the time. Councilmember Herrera stated once he heard the year, he cannot even argue the price.

Councilmember Herrera moved **to approve the new accounting software.** Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-11. Consideration and possible action to approve the opening of a new bank account at First Financial Bank, N.A. for the CDBG-DR Infrastructure grant**

Cheryl Ray, Supervisor of Finance & Accounting, explained we have to have separate accounts for all CDBG funds, so she had to open a new account for this one and the next item. Ms. Ray asked Council to stick around after the meeting to sign the signature documents.

A motion was made by Councilmember Songe, seconded by Councilmember Buesing, **to approve opening the bank account for the infrastructure grant.** The Council voted six (6) for and none (0) opposed. The motion carried.

**C-12. Consideration and possible action to approve the opening of a new bank account at First Financial Bank, N.A. for the CDBG-DR Acquisition/Buyout grant**

A motion was made by Councilmember Songe to approve opening a new account for the acquisition/buyout grant. Councilmember Jordan seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-13. Consideration and possible action to approve a Resolution approving and authorizing the use of the City's Tax ID to open a bank account for the VPD Explorer's program**

Rod Carroll, Chief of Police, explained the Explorer's cash is currently being kept in an envelope in Sergeant Meadow's desk drawer. Chief Carroll stated these are funds the kids have raised through volunteer work and getting paid and link sales, etc. to help pay for competitions and supplies/equipment.

Councilmember Songe moved to approve the use of the City of Vidor's Tax ID to open an account for the Explorer's Program, and Councilmember Herrera seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-14. Consideration and possible action to approve a Resolution approving the execution of the Corporate Authorization Resolution for Depository Accounts with First Financial Bank, N.A.**

Cheryl Ray, Supervisor of Finance & Accounting, explained this is necessary because we have a new Councilmember and a new Mayor.

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

**C-15. Consideration and possible action to approve a Resolution approving designation of TEXPOOL representatives on the TEXPOOL resolution amending authorized representatives form and approval of authorized representative deletion/update form**

Councilmember Songe moved to approve the Resolution for TEXPOOL. Councilmember Hill seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-16. Consideration and possible action to approve a Resolution approving the Signatory Amendment Form for Texas CLASS to add and remove authorized individuals**

A motion was made by Councilmember Jordan, seconded by Councilmember Songe, to approve the Resolution for Texas CLASS signatory form. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-17. Consideration and possible action to approve a Resolution selecting and awarding a grant writer / administrator for the CDBG-MIT (HMGP) grant project**

Cheryl Ray, Supervisor of Finance & Accounting, explained we have to select a grant writer for the CDBG-MIT (HMGP) grant project. Ms. Ray stated Traylor & Associates was the only applicant.

Councilmember Jordan moved to select Traylor & Associates for the CDBG-MIT (HMGP) grant project. Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-18. Consideration and possible action to approve a Resolution selecting and awarding an engineer for the CDBG-MIT (HMGP) grant project**

Robbie Hood, City Manager, explained this is tied to the same one just done for as the grant administrator. Mr. Hood stated there were seven applicants, and the committee recommends Schaumburg & Polk, Inc.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to approve the recommendation of Schaumburg & Polk for engineer for the CDBG-MIT (HMGP) grant project.** The Council voted six (6) for and none (0) opposed. The motion carried,

**C-19. Discussion of Hotel Occupancy Tax award procedure and timing for 2020 – 2021 fiscal year**

Robbie Hood, City Manager, explained the Hotel Occupancy Tax applications and instructions were advertised in the newspaper and on the City's website, but since the website was down for several days, the deadline has been extended until August 21<sup>st</sup> at 4:00 p.m. Mr. Hood questioned Council to see if they would prefer the applicants come before Council or have a committee review the applications and make recommendations. Council appeared to want the applicants to continue to appear before Council.

**C-20. Consideration and possible approval of Resolution adopting rules for receipt of bids or proposals through electronic transmission under Chapter 252 of the Texas Local Government Code**

Chris Leavins, City Attorney, explained this came up when Michelle (Falgout) wanted to go out for bids electronically. Mr. Leavins stated according to the Local Government Code, in order for bids to be received electronically, rules have to be in place. Mr. Leavins stated he is not sure what the encryption technology referred to in Rule C of the proposed Exhibit A is and suggested changing the language to "industry standard." A brief discussion ensued.

Michelle Falgout, Falgout Consulting, discussed the process for electronic bidding through CivCast and explained that once the bids are in the system, they are locked down until the bid opening time previously designated. Ms. Falgout stated it even calculates the bid tab for you, and there are checks and balances in place to prevent changing the bid time. Ms. Falgout stated if that happens, all bidders are notified. Ms. Falgout stated everything is done just like we have always done, except for the bid submissions. Discussion ensued.

*(Councilmember Buesing left the room at 7:43 p.m.)*

A motion as made by Councilmember Songe, seconded by Councilmember Jordan, **to approve the Resolution adopting the rules for the receipt of bids and proposals electronically and editing Rule C to an encrypted type of internet technology.** The Council voted five (5) for and none (0) opposed. The motion carried.

*(Councilmember Buesing returned to the Council Chambers at 7:44 p.m.)*

**C-21. Consideration and possible approval of a Resolution voting for candidate(s) for the Texas Municipal League Region XVI officers**

Chris Leavins, City Attorney, stated Region XVI cannot have a meeting due to COVID, but they still need to elect officers. Mr. Leavins explained each city in the Region gets one vote per office and can either vote for the name listed on the ballot or write in a name. Mr. Leavins explained Council can make a motion to vote for all four at one time or vote for each office individually.

Councilmember Songe moved to **approve W.L. Pate for President; Larry Spears, Jr. for Vice President; Cindy Burchfield for Secretary; and David Rutledge for Board Representative.** Councilmember Hill seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

**C-22. Consideration and possible approval of a Resolution amending action items in the Orange County Mitigation Action Plan dated September 11, 2017 (Action Items 22-30 pages 18.107-118)**

Aleta Cappen, Vidor Police Captain and Emergency Management Coordinator, explained we have a Mitigation Action Plan, the Orange County Mitigation Action Plan, and in order to qualify for these grants, such as the city-wide drainage project, the projects have to be in the Plan. Captain Cappen explained we are adding nine (9) projects. Captain Cappen stated there is a Maplecrest project on the “wish list,” but that does not mean that we will get it accomplished in this grant cycle.

Captain Cappen stated once Council approves, it will go to Orange County Commissioners Court for approval and acceptance. Captain Cappen explained this is a living document and will continue to change every year when it is reviewed. Captain Cappen stated some of these projects have been in there for 10-15 years, but some fell off because we were able to complete them. Captain Cappen explained there are 30 projects in the Plan, and they will not go away unless they are completed or found not to be a viable project. Discussion ensued.

A motion was made by Councilmember Jordan, seconded by Councilmember Songe, **to approve the Resolution amending action items in the Orange County Mitigation Action Plan.** The Council voted six (6) for and none (0) opposed.


**C-23. Consideration of Adjournment**

A motion was made by Councilmember Hill, seconded by Councilmember Songe, 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 7:55 p.m.

*These minutes approved September 3, 2020.*

  
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Kelly Carder, Mayor

ATTEST:

  
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Vicki Watson, City Secretary