

**CITY OF VIDOR
VIDOR CITY COUNCIL
REGULAR MEETING
SEPTEMBER 24, 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

Rod Carroll, Chief of Police, gave the Invocation and led the Pledge to the United States Flag and the State of Texas Flag.

A -3. Proclamation – Breast Cancer Awareness

Mayor Carder proclaimed the month of October 2020 as Breast Cancer Awareness Month and October 1, 2020 as Julie Rogers “Gift of Life” Program Day in the City of Vidor.

A -4. Citizen Comments

Johnnie Andrus, 949 North Main, addressed Council regarding the Walk of Fame agenda item. Ms. Andrus stated the names were reviewed by the committee and the inductee list has been completed for this year. Ms. Andrus encouraged Council to leave the list as is and discussed the need for a Council member to serve on the committee in the future.

B. COUNCIL CONSENT AGENDA

B -1. Approval of Accounts Paid:

Paid Invoices:	General Fund – \$268,938.11
	Sanitation Fund – \$37,468.35
	Juvenile Case Management – \$98.82
	Municipal Court Technology Fund - \$1,328.23
	Hotel Occupancy – \$18,100.00
	Disaster Fund – \$24,563.23

Employee Benefits Trust – \$59,143.35

B -2. Approval of Minutes: Regular Meeting – September 10, 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:

September 10, 2020: \$ 1,285.65
September 21, 2020: \$ 349.81

B -4. Ratification of the payment of the monthly sales tax in the amount of \$5,974.67 out of General Account/Pooled Cash

A motion was made by Councilmember Herrera, seconded by Councilmember Hill, 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. Discussion and possible action to approve a name to be added to the Walk of Fame

Mayor Carder explained it was brought to her attention a couple of weeks ago that there was an extra star. Nichole Mahoney nominated Ronnie Herrera for the extra star and gave a brief history and list of Mr. Herrera's accomplishments. Johnnie Andrus explained the brother and sister duo want their own star, so there is not an extra one. Robbie Hood, City Manager, stated there is an extra star because Ms. Andrus told him there was one. Discussion ensued.

When asked who is currently on the committee, Ms. Andrus responded that the committee consists of herself and one other person. Ms. Andrus stated she does not have a problem with Ronnie Herrera, but she was bypassed. Councilmember Jordan discussed forming a committee to select names in the future. Mr. Hood commended Ms. Andrus on this great program, but he recommended the committee consist of Ms. Andrus, a councilmember, and a staff member in the future.

A motion was made by Councilmember Songe, seconded by Councilmember Hannon, to **approve adding Ronnie Herrera to the Walk of Fame**. ROLL CALL VOTE: Councilmember Hannon, aye; Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, abstained (*counted as a nay vote*); and Councilmember Hill, aye. The Council voted five (5) for and one (1) opposed. The motion carried.

C -2. Consideration and possible approval of AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF VIDOR, TEXAS; CONTAINING A SEVERABILITY/REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

Cheryl Ray, Supervisor of Finance & Accounting, reviewed the changes made to the final draft of the budget. Ms. Ray explained the changes for the General Fund are as follows:

*"Draft 2:
General Fund Revenues: \$6,745,690*

Decrease interest income (10,000)

Draft 3:

General Fund Revenues: \$6,735,690

Draft 2:

General Fund Expenditures: \$7,522,775

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|---|------------|
| “1. Increase in City Manager Total Personnel Expense due to auto allowance of \$4,800 | \$ 3,549 |
| 2. Decrease in Fuel and Oil in City Manager Budget | \$ (2,000) |
| 3. Moved \$704 vehicle liability insurance from CM budget to PD budget | |
| 4. Moved \$6,000 vehicle lease from CM budget to PD budget | |
| 5. Increase in Council budget Legal Services | \$15,000 |
| 6. Increase in Municipal Court computer maintenance | \$ 500 |
| 7. Increase in Street Department vehicle lease | \$ 5,500 |
| 8. Increase in Code Enforcement telephone expense | \$ 450 |

Draft 3:

General Fund Expenditures: (\$7,545,774)”

Ms. Ray explained the budget deficit increased from \$777,085 in Draft 2 to \$810,084 in the final draft due to the decrease in revenues (\$10,000) and increase in expenditures (\$22,999). Ms. Ray also reviewed the decrease in interest income for the 2008/2016 Debt Service Fund (\$5,500); the increase in expenditures from grants allocated in the Hotel Occupancy Fund (\$121,207); and the decrease in interest income in the Sanitation fund (\$1,200). Robbie Hood, City Manager, thanked Ms. Ray for her outstanding job on the budget.

A motion was made by Councilmember Jordan, seconded by Councilmember Songe, **to approve the Ordinance adopting the budget for fiscal year 2020-2021 (October 1, 2020-September 30, 2021).** ROLL CALL VOTE: Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; and Councilmember Hannon, aye. The Council voted six (6) for and none (0) opposed. The motion carried.

C -3. Consideration and possible approval of AN ORDINANCE CREATING A TAX LEVY AND FIXING THE TAX RATE FOR THE CITY OF VIDOR, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, UPON ALL TAXABLE PROPERTY IN THE CITY OF VIDOR, TEXAS, ACCORDING TO THE LAWS OF THE STATE OF TEXAS, CHARTER PROVISIONS AND ORDINANCES OF THE CITY OF VIDOR, TEXAS; CONTAINING A SEVERABILITY/REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

Mayor Carder stated, “\$.59959 of the total rate is hereby specifically levied for current expenses of maintenance & operation purposes. \$.10412 of the total rate is hereby specifically levied for the payment of principal and interest on debt of the City of Vidor Tax & Revenue Certificate of Obligation, Series 2016 and General Obligation Refunding Bonds, Series 2013.”

A motion was made by Councilmember Hill, seconded by Councilmember Songe, **to approve the Ordinance fixing the tax rate at .70371.** ROLL CALL VOTE: Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; Councilmember Hannon, aye; and Councilmember Jordan, aye. The Council voted six (6) for and none (0) opposed. The motion carried.

C -4. Consideration and possible approval of AN ORDINANCE RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, FOR THE CITY OF VIDOR, TEXAS, IN ACCORDANCE WITH HOUSE BILL 3195; CONTAINING A SEVERABILITY/ REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

Mayor Carder stated, *"The property tax rate should remain unchanged by the adoption of a tax rate of \$0.70371, which is effectively a 1.67 percent increase in the tax revenue."*

Councilmember Songe made a motion **to approve the Ordinance ratifying the property tax increase reflected in the budget.** Councilmember Jordan seconded. ROLL CALL VOTE: Councilmember Buesing, aye; Councilmember Herrera, aye; Councilmember Hill, aye; Councilmember Hannon, aye; Councilmember Jordan, aye; and Councilmember Songe, aye. The Council voted six (6) for and none (0) opposed. The motion carried.

C -5. Consideration and possible approval to award the bid for the City of Vidor 2020 Drainage Improvement Project (Lamar Street)

Michelle Falgout, Falgout Consulting, explained Council should have in their packets a cover letter, bid summary, and bid tab. Ms. Falgout stated eight (8) bids were received when the bids were opened last Friday and thanked Council for allowing them to be received electronically.

Ms. Falgout explained the low bidder at \$229,630 was MK Constructors. Ms. Falgout stated MK Constructors has done work for us in the past and have a good working relationship with us. Ms. Falgout reviewed the timeline for review of the contracts and their notice to proceed and start. Robbie Hood, City Manager, explained the City of Vidor Street & Drainage Department has completed the installation of the 36" pipe behind Market Basket, so the project is ready to go.

A motion was made by Councilmember Jordan, seconded by Councilmember Hill, **to award the bid for the 2020 Drainage Project to MK Constructors.** The Council voted six (6) for and none (0) opposed. The motion carried.

C -6. Consideration and possible action to approve a Resolution amending Action Items in the Orange County Hazard Mitigation Action Plan dated September 11, 2017

Aleta Cappen, Police Captain and Emergency Management Coordinator, explained the language was enhanced to include detention/retention ponds throughout the City instead of just specific locations. Captain Cappen stated generators were also added for VISD to keep the refrigerators/freezers running so they do not continue to lose food due to loss of power. Captain Cappen explained they lost \$80K in food during the last storm.

Councilmember Herrera made a motion **to approve the Resolution amending the Action Items.** The motion was seconded by Councilmember Buesing. The Council voted six (6) for and none (0) opposed. The motion carried.

C -7. Consideration and possible action to approve a permit for the replacement of a pipeline filed and requested by FHR Crockett Acquisition Company, LLC across Canty Creek Rd. for a pipeline beginning in Beaumont, Texas and ending in Longview, Texas

Michelle Falgout, Falgout Consulting, stated there are still a couple of questions regarding the permit application. Ms. Falgout gave the location of the proposed pipeline replacement but explained preliminary approval is needed from Orange County and the Drainage District as the pipeline will cross a ditch and Highway 1132. A brief discussion ensued regarding the product and the size of the pipe.

Chris Leavins, City Attorney, explained the bond and insurance were missing, but they were emailed today. Mr. Leavins stated this pipeline appears similar to what Council approved a year ago (same product and same size).

A motion was made by Councilmember Herrera, seconded by Councilmember Songe, **to approve the issuance of the permit pending approval by Orange County and the Orange County Drainage District.** The Council voted six (6) for and none (0) opposed. The motion carried.

C -8. Consideration and possible approval of a Resolution reappointing of Andy Collins to the Vidor Civil Service Commission for a 3-year term to expire on 9/6/2023

Robbie Hood, City Manager, explained he spoke with Mr. Collins after the last meeting, and he is pleased to be reappointed.

Councilmember Jordan moved **to reappoint Andy Collins to the Vidor Civil Service Commission.** The motion was seconded by Councilmember Songe. The Council voted six (6) for and none (0) opposed. The motion carried.

C -9. Consideration and possible approval of a Resolution authorizing the submittal of DR-4466 HMGP applications to the Texas Division of Emergency Management and committing matching funds for each application

Melinda Smith, Traylor & Associates, explained we are proposing to submit four (4) HMGP applications for the DR-4466 (*Imelda*) pot of money. Ms. Smith explained the generators would be for Eastgate Church, First United Methodist Church, and the Oaks Event Center (*all 3 of which serve as shelters during and following storm events*), and the VISD Transportation Barn (*where the Public Works Department and first responders fuel up*). Ms. Smith stated she does not expect all four to be funded, but the applications will get us in the door and keep the conversation running. Chris Leavins, City Attorney, explained all four grants are not dollar for dollar grants and will require matching funds. Aleta Cappen, Police Captain and Emergency Management Coordinator, explained she has spoken with all of them, and the School District and all of the churches are willing to pay the 25%.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to approve the Resolution authorizing the submittal of the DR-4466 HMGP applications.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-10. Consideration and possible approval of CDBG-MIT applications for posting to begin 14-day public comment period as required by the Texas General Land Office

Melinda Smith, Traylor & Associates, explained this is the CDBG Mitigation money we have been talking about for some time. Ms. Smith stated the City has put forth a great deal of effort to conduct a city-wide income survey to show it does meet the low-to-moderate income threshold to receive additional points for the application. Ms. Smith commended the City for their efforts, especially at the end to make sure we got it done. A brief discussion ensued.

Ms. Smith explained we are asking for permission to post an application that Council does not have in front of them. Ms. Smith explained there is no way to print the application as the Texas General Land Office (GLO) fully automated the application process and did not take into account that they also saddled this program with the responsibility to post this application somehow. Ms. Smith stated there is no way to print the application, but they did give some guidance as to what constitutes a substantially complete application for posting which consists of the budget, a map, the beneficiaries (city-wide), and a description of the scope of work

Steve Jordan, Schaumburg & Polk, reviewed the scope of work and locations which included four sites with about 70+ acres for detention facilities and eight other sites for drainage facility improvements. These included a detention pond on Anderson Gully near Tram Road, one near Conn Park, one on Terry Gully serving the Maplecrest area, and one on Schoolhouse Ditch near Orange Street. Mr. Jordan stated the sites where we will be doing some work include the Tiger Creek crossing, Maplecrest on Lyndale, Heritage area including the Heritage outfall, east ditches on Lamar, Lexington/Concord and the Lat 5 crossing, Orange Street from Highway 105 to Woodland, the other half of North Archie (Garland to Tram), and part of Park Street.

Ms. Smith stated the cost for construction of the project will be around \$20 million and with administration and engineering costs around \$25 million. Ms. Smith explained the CDBG-MIT portion would be 99% of that, and the City would be committing to the other 1% (around \$250K spread out over 6-10 years). A brief discussion ensued regarding timelines.

A motion was made by Councilmember Songe, seconded by Councilmember Hannon, **to approve the application for posting for the 14-day public comment period.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-11. Consideration and possible approval of a Resolution approving and adopting the Financial Policies and Procedures for Federal Grant Contracts to ensure they are compliant with federal regulations in accordance with CDBG-MIT program requirements

Melinda Smith, Traylor & Associates, stated this is a housekeeping item. Ms. Smith stated the City has great policies in place with a lot of internal controls, but there are a couple of things needed specifically for federal grants including an “advance payment clause” which ensures we are getting the money out the door to pay the contractors.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to approve Resolution 948.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-12. Consideration and possible approval of a Resolution authorizing the engagement of BrooksWatson & Co, CPAs to complete an audit for fiscal year 2019-2020 and approving and authorizing the Mayor to sign an engagement letter

Cheryl Ray, Supervisor of Finance & Accounting, explained this is the annual letter engaging BrooksWatson to do our annual audit. Ms. Ray stated they have already begun the interim work.

A motion was made by Councilmember Songe, seconded by Councilmember Herrera, **to approve Resolution 949 authorizing the engagement of BrooksWatson.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-13. Consideration and possible approval of a Resolution authorizing the appointment and execution of the Authorized Signer form for the Enterprise Fleet leases, as needed for fiscal year 2020-2021

Cheryl Ray, Supervisor of Finance & Accounting, stated Council did this last year and explained it allows her to sign the leases.

Councilmember Songe made a motion **to approve Resolution 950**. 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 authorizing the Amendment to the City Manager Employment Agreement


Chris Leavins, City Attorney, explained this was talked about at the last meeting, and the only changes to the contract were the removal of the leased vehicle and the addition of \$400 per month fuel allowance.

A motion was made by Councilmember Songe, seconded by Councilmember Hannon, **to approve Resolution 951 authorizing the amendment**. The Council voted six (6) for and none (0) opposed. The motion carried.

C-15. 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 8:09 p.m.

These minutes approved October 8, 2020.



Kelly Carder, Mayor

ATTEST:



Vicki Watson, City Secretary