

**CITY OF VIDOR
VIDOR CITY COUNCIL
REGULAR MEETING
NOVEMBER 12, 2020**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Councilmember Angela Jordan

Administrative Personnel: Robbie Hood, City Manager; Chris Leavins, City Attorney; Vicki Watson, City Secretary; and Rod Carroll, Chief of Police (*Cheryl Ray, Supervisor of Finance & Accounting, was off*)

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. Citizen Comments

There were no citizen comments.

B. COUNCIL CONSENT AGENDA

B -1. Approval of Accounts Paid:

Paid Invoices:	General Fund – \$289,003.81
	Municipal Court Building Security Fund – \$99.09
	Hotel Occupancy – \$2,020.00
	Disaster Fund – \$9,649.99
	Juvenile Case Management – \$254.59
	Judicial Efficiency – \$36.00
	Sanitation Fund – \$33,785.73
	Employee Benefits Trust – \$56,638.36

B -2. Approval of Minutes: Regular Meeting – October 22, 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:

November 2, 2020: \$ 7,985.89
November 9, 2020: \$ 5733.54

- B -4. Ratification of the payment of the quarterly City criminal costs and fees in the amount of \$35,148.84 out of General Account/Pooled Cash**
- B-5. Ratification of the payment of the annual child safety seat and seat belt violation fines in the amount of \$581.95 out of General Account/Pooled Cash**

A motion was made by Councilmember Songe, seconded by Councilmember Hannon, 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. Hearing – Jonathan Tynes’ appeal and/or request, pursuant to Chapter 42 of Vidor Code of Ordinances, regarding denial of permit application for replacement of a manufactured home to be located at 2575 Ash Street**

Mayor Carder opened the **Hearing – Jonathan Tynes’ appeal and/or request, pursuant to Chapter 42 of Vidor Code of Ordinances, regarding denial of permit application for replacement of a manufactured home to be located at 2575 Ash Street** at 7:02 p.m.

Jonathan Tynes, 2575 Ash Street, thanked Council for listening to his issues. Mr. Tynes explained his current mobile home is in a very deteriorated state, and he does not have the financial means to replace it with a new one. Mr. Tynes explained his aunt moved another mobile home on the property and accumulated a lot of junk (scrap iron, tires, etc.) during the 10-12 years she lived there. Mr. Tynes stated he, along with some friends, tore down the old trailer and cleaned up the property, and Linda (*Cathey, Code Enforcement Officer*) provided a dumpster. Mr. Tynes explained the manufactured home he is proposing is a few months over the accepted age and asked for understanding and some sort of compromise.

Merline Rainwater explained she is the owner of the double-wide and wants to give it to Mr. Tynes and his girls, if the City allows. Ms. Rainwater stated it will not have a floor that is falling in or rain leaking from the roof. Mr. Tynes explained his current home received damage from the past four hurricanes and stated he did not receive any assistance from FEMA to pay for repairs, so the condition continues to deteriorate as time goes by. Mr. Tynes stated he did not have insurance on the property because he was in the process of transferring the deed. Councilmember Hill questioned the ownership of the property, and Mr. Tynes explained he has all of the paperwork, but due to COVID-19, he was unable to turn it in but plans to on Monday.

There was no further questions or comments, and Mayor Carder closed the **Hearing – Jonathan Tynes’ appeal and/or request, pursuant to Chapter 42 of Vidor Code of Ordinances, regarding denial of permit application for replacement of a manufactured home to be located at 2575 Ash Street** at 7:12 p.m.

- C -2. Consideration and possible action regarding appeal and/or request, pursuant to Chapter 42 of Vidor Code of Ordinances, regarding denial of permit application for replacement of a manufactured home to be located at 2575 Ash Street**

Chris Leavins, City Attorney, stated if Council has questions on the wording of the Ordinance, they can adjourn and go into Executive Session to discuss with attorney. Mayor Carder recessed the regular meeting

at 7:14 p.m. to go into Executive Session under Section 551.071, Consultation with Attorney. Mayor Carder reconvened the regular meeting at 7:28 p.m., reread the agenda item, and asked for discussion.

Councilmember Buesing asked where the manufactured home is currently located, and Ms. Rainwater, owner, explained it is located in the Sugar Pines Manufactured Home Park on West Circle. Mr. Buesing stated as much as it tugs on our heartstrings, the home is 21 years and 2-3 months out of date. Mr. Buesing explained we have Ordinances for a reason, and although it is an unfortunate situation, there are other options available. Councilmember Songe stated as heartbreaking as it is, she agrees. Ms. Songe stated the home looks like it is in a very nice manufactured home park and appears clean, washed, and skirted, but she is not okay with a variance because 20 years was already pushing it, and this one is over 21.

A motion was made by Councilmember Songe, seconded by Councilmember Buesing, **to deny the appeal due to the current Ordinances in place.** ROLL CALL VOTE: Councilmember Hannon, aye; Councilmember Songe, aye; Councilmember Buesing, aye; Councilmember Herrera, aye; and Councilmember Hill, aye. The Council voted five (5) for and none (0) opposed. The motion carried.

Mr. Tynes asked to make a closing statement and stated he understands about the Pandora's box it would open but disagrees. Mr. Tynes stated he is not living in the city limits by choice, but the annexation happened anyway.

C -3. Consideration and possible appointment of a member to the Planning & Zoning Commission

Robbie Hood, City Manager, explained Dylan Wright was appointed to the Commission on July 23, 2020 to fill Scott Desormeaux's unexpired term. Mr. Hood stated Mr. Wright will not be able to attend meetings, so we need an appointment to serve in that position until May 2022.

No names were brought forth, so no action was taken.

C -4. Consideration and possible action to approve a Resolution approving and authorizing a Release and Settlement agreement with The Kansas City Southern Railway Company

Robbie Hood, City Manager, discussed the accident on Old Highway 90 which occurred over two years ago. Mr. Hood explained KCS (Kansas City Southern Railway) has agreed to pay us \$25,000 for damages and this is authorizing the City to accept it.

Councilmember Songe made a motion **to approve Resolution 961**, and Councilmember Herrera seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

C -5. Discussion and possible action regarding use of City property by Eastgate Church for community event

Robbie Hood, City Manager, stated he was approached by a member of Eastgate Pentecostal Church regarding an annual event they have at their facility. Mr. Hood explained the event is to be held on Sunday, November 29th, at 5:00 p.m., and will include a Christmas tree lighting ceremony, food booths, and vendors. Mr. Hood stated the church would like to use Conn Park for overflow parking and expressed his concerns with the City's liability.

Chris Leavins, City Attorney, explained anytime something is done outside of the ordinary course of business, it may or may not be covered. Mr. Leavins stated they will need to obtain a special events policy with the City named as an additional insured if they are going to be on our property. Mr. Leavins stated he understands there will be hayrides from the cars to the festival and recommended the church sign a release of liability and provide insurance and a special use policy.

Mayor Carder asked how many people are expected to attend, and Rod Carroll, Chief of Police, stated they are expecting around 1,500. Councilmember Herrera discussed the possibility of a rain event leading up to the event causing damage to the property. Mr. Leavins stated Council can set as many or as few parameters as they wish. Discussion ensued.

A motion was made by Councilmember Songe to approve pending legal review and it being brought back to Council, that we allow them to use City property. Mr. Hood explained the event will take place before the next Council meeting. Councilmember Songe amended her motion to **approve the use of City property pending legal review, liability insurance, and repair of damage to the property.** Councilmember Buesing seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

C -6. Consideration and possible approval of cancelling the regularly called meetings of November 26, 2020 and December 24, 2020

A motion was made by Councilmember Hill to **cancel the regularly called meetings of November 26, 2020 and December 24, 2020.** Councilmember Songe seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

C -7. EXECUTIVE SESSIONS

- a. **Executive Session - pursuant to Section 551.071 – Consultation with Attorney, regarding negotiations and amendments to Collective Bargaining Agreement with Vidor Police Officers Association**
- b. **Executive Session – pursuant to Sections 551.071 – Consultation with Attorney and 551.072 – Deliberations about Real Property, regarding the City’s possible purchase of real property within the City for use with the City’s park grant(s), if awarded**

Mayor Carder recessed the regular meeting to go into Executive Sessions - a) pursuant to Section 551.071 – Consultation with Attorney, regarding negotiations and amendments to Collective Bargaining Agreement with Vidor Police Officers Association and b) pursuant to Sections 551.071 – Consultation with Attorney and 551.072 – Deliberations about Real Property, regarding the City’s possible purchase of real property within the City for use with the City’s park grant(s), if awarded at 7:42 p.m.

Mayor Carder reconvened the regular meeting at 8:29 p.m.

C -8. Consideration and possible action resulting from Executive Session under C-7.a., regarding negotiations and amendments to Collective Bargaining Agreement with Vidor Police Officers Association

Councilmember Songe moved to **continue negotiations.** Councilmember Buesing seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

C -9. Consideration and possible action resulting from Executive Session under C-7.b., regarding the City’s possible purchase of real property within the City for use with the City’s park grant(s), if awarded

A motion was made by Councilmember Songe, seconded by Councilmember Hill, to **allow the City Manager and City Attorney to negotiate and purchase the property with a cap of \$10,000.** The Council voted five (5) for and none (0) opposed. The motion carried.

C-10. Consideration of Adjournment

A motion was made by Councilmember Songe, seconded by Councilmember Hill, 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 8:31 p.m.

These minutes approved December 10, 2020.



Kelly Carder, Mayor

ATTEST:



Vicki Watson, City Secretary