

**CITY OF VIDOR
VIDOR CITY COUNCIL
REGULAR MEETING
JANUARY 14, 2021**

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; Rod Carroll, Chief of Police; Aleta Cappen, Police Captain & Emergency Management Coordinator; Percy Flanigan, Streets/Drainage/Parks Supervisor; and Clifton Parker, Sanitation Supervisor

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

Bill Blanchard, 1348 Aery Road, gave a brief personal history and presented Council with pictures of the vacant property on Highway 12 that is butts up against his property on Aery Road. Mr. Blanchard explained there are 166 spaces in his RV park which are full, or almost full, most of the time. Mr. Blanchard stressed that means 166 families working in and contributing to our economy. Mr. Blanchard stated this eyesore is what his tenants look at every day and asked Council if there is anything the City can do to help clean up this property.

Nicole McGowan, 59 Heritage, introduced herself to Council and explained she is Angela Jordan's neighbor. Ms. McGowan expressed her interest in filling Angela Jordan's position (Ward 2) when it becomes available.

B. COUNCIL CONSENT AGENDA

B -1. Approval of Accounts Paid:

Paid Invoices:

General Fund – \$374,115.83
Municipal Court Building Security Fund – \$574.55
Municipal Court Technology Fund – \$764.92
Emergency Management Service – \$539.11

CDBG Fund – \$38,931.51
Federal Forfeiture Fund – \$9,654.00
Hotel Occupancy – \$12,620.00
Disaster Fund – \$1,404.52
Juvenile Case Management – \$254.79
Sanitation Fund – \$59,518.88
Employee Benefits Trust – \$112,183.30

B -2. Approval of Minutes: Regular Meeting – December 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:

December 21, 2020: \$ 1,393.27
December 30, 2020: \$ 11,751.47
December 30, 2020: \$ 10,382.67

B -4. Ratification of the payment of the monthly sales tax in the amount of \$5,979.35 out of General Account/Pooled Cash

A motion was made by Councilmember Songe, seconded by Councilmember Herrera, 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. Introduction of Percy Flannigan, Street and Drainage Director, and Clifton Parker, Sanitation Director

Robbie Hood, City Manager, introduced Percy Flanigan to Council and explained he is the new Streets, Drainage & Parks Supervisor. Mr. Flanigan stated he is a 36-year veteran of Orange County Road & Bridge and a lifelong resident of Vidor. Mr. Flanigan stated he officially started at the City two weeks ago, but he started riding around with Dino (*Madena Rose, Interim Supervisor*) a couple months back in order to get the feel of the area. Mr. Flanigan discussed the work being done in River Oaks and the plans for Green Forrest and the outfall ditches on East Tram and Berwick. Mr. Flanigan explained they are not removing any landscaping at this time, only cleaning out the ditches. In closing, Mr. Flanigan discussed the new work order system he has put into place. A brief discussion ensued, and Councilmember Herrera thanked him for coming to the City of Vidor.

Mr. Hood introduced Clifton Parker, the new Sanitation Supervisor. Mr. Parker gave a brief personal history and stated he has learned some things in the 3½ years he has been in Sanitation. Mr. Parker emphasized safety is the number one thing and stressed the drivers' number one responsibility is looking out for the guy on the back of the truck. Mr. Parker discussed adverse weather conditions and explained they are out there in all of it. Mr. Parker expressed his desire to change the culture and increase professionalism. Mr. Parker explained they have rearranged the yard to move the trucks further away from the building. Mr. Parker stated taking care of the equipment is huge and gave an overview of the pre-trip and post-trip process. Mr. Parker explained he has been working with Amanda (*Carter, Sanitation Clerk*) to audit the dumpsters and discussed some of the challenges in the department including the shortage of cans and dumpsters due to shipping delays, staff being unable to take vacations due to an employee being out for several months, temporary employees, and trying to make the routes more efficient. Councilmember Herrera commended Mr. Parker on his vision and his department.

C -2. Presentation by Carmen Apple, CEM TEM, District Coordinator for Texas Division of Emergency Management, and possible discussion relating to same

Carmen Apple, Texas Division of Emergency Management District Coordinator, gave a brief overview and history of emergency management in the State of Texas. Ms. Apple explained the State will not come in during a disaster and run things for an entity; it is up to the Mayor or County Judge or their designated Emergency Management Coordinator (EMC). Ms. Apple stated she has known Captain Aleta Cappen, Vidor Police Department and EMC for the City of Vidor, for 20+ years, and they work very well together.

Ms. Apple reviewed the responsibilities of local government and discussed the local assistance process, state assistance request flow, requirements for federal assistance, and who approves a major disaster declaration. Ms. Apple explained FEMA will only help during a presidential disaster declaration and explained the State threshold has increased to \$38,975,620, and Orange County's has increased to \$318,346 of uninsured or underinsured damage.

In closing, Ms. Apple reviewed the process for the roll out of the COVID-19 vaccines. Ms. Apple explained the CDC (*Center for Disease Control*), not the State, determines how many vaccines are distributed each week. Ms. Apple stated the expert vaccine allocation panel looks at 250 counties, providers, and population. Ms. Apple explained Texas is currently in limited supply Phase 1, Tiers A and B (medical providers, 65+, etc.).

C -3. Discussion and possible action to close Texas Department of Agriculture account 7216471

Cheryl Ray, Supervisor of Finance & Accounting, explained this is the first-time sewer grant we did for the Water District and is now closed.

A motion was made by Councilmember Jordan, seconded by Councilmember Hannon, **to close the account**. The Council voted six (6) for and none (0) opposed. The motion carried.

C -4. Report and discussion regarding receipt of award from Government Finance Officers' Association

Cheryl Ray, Supervisor of Finance & Accounting, explained there are a few documents in the Council packets and directed them to the certificate on the second page. Ms. Ray stated this is something that we can put in our financial statement for this year. Robbie Hood, City Manager, commended Ms. Ray on an outstanding job for the City of Vidor.

C -5. Report and discussion on receipt of CARES Act grant funds, Justice Assistance Grant (JAG), and Sabine River Authority funding

Cheryl Ray, Supervisor of Finance & Accounting, updated Council on the funding received from the CARES Act in the amount of \$602,525. Ms. Ray explained we received a 20% advance in June and received \$482,020 on January 7, 2021, after TDEM allowed us to take the PD's payroll expense.

For the Justice Assistance Grant Coronavirus Emergency Supplemental Funding Program, Ms. Ray explained we received \$131,082 out of a possible \$133,448 by reporting the police overtime spent during the City closure plus some coronavirus supply purchases. Ms. Ray explained we will be able to recoup the remaining \$2,366 before the grant ends on April 30, 2021, as soon as the rest of the supplies are available from the vendors.

Ms. Ray explained the City also received \$14,000 from the Sabine River Authority to assist with the deductible for the Police Department's roof which was damaged by (Hurricanes) Laura and Delta.

C -6. Discussion and possible action to approve AN ORDINANCE OF THE CTY OF VIDOR, TEXAS AMENDING GENERAL FUND (FUND BALANCE) AND PD – CAPITAL OUTLAY – EQUIPMENT IN THE CITY’S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021 FOR THE PURCHASE OF A GENERATOR; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A WAIVER OF SECOND READING; PROVIDING FOR AN EFFECTIVE DATE

Cheryl Ray, Supervisor of Finance & Accounting, explained the Police Department has been in need of a generator, which was budgeted for last fiscal year, but we were not able to get it due to two hurricanes and coronavirus. Ms. Ray stated this will move the \$75,000 from last year’s budget over to this year’s budget.

A motion was made by Councilmember Songe, seconded by Councilmember Herrera, **to approve Ordinance 1379 to move the money for the generator.** The Council voted six (6) for and none (0) opposed. The motion carried.

C -7. Consideration and possible appointment of a member to the Planning & Zoning Commission

Robbie Hood, City Manager, explained we visited about this prior to Christmas and stated he is looking for a recommendation from Council. No action was taken.

C -8. Discussion regarding FEMA Maps for areas within the City

Michelle Falgout, Falgout Consulting, stated the current FEMA maps are 38 years old and explained they are close to finalization of the new maps which should roll out the end of 2021 or the beginning of 2022. Ms. Falgout reviewed the existing and proposed maps which were included in the Council packets and displayed for the audience. Ms. Falgout stated in the next year prior to the maps rolling out, they are recommending anybody that will be mapped in the 100-year flood plain to purchase flood insurance now to possibly lock in rates and be grandfathered in. Ms. Falgout also recommended getting insurance even if not in the 100-year flood plain because 73% of the damaged property in the last storms were outside of the flood plain. Ms. Falgout stated studies done in the flood plain, including School House Ditch and Anderson Gully, will need to be submitted to FEMA.

Robbie Hood, City Manager, suggested holding a special meeting to invite the public when the maps are closer to finalization.

C -9. Discussion and possible action regarding Eastgate Church’s request for certain use of the City’s property adjacent to church

No action was taken.

(Mayor Carder moved agenda items C-10 and C-11 to later in the meeting.)

C-12. Discussion and possible action to approve MK Constructors November/December pay request for the Lamar Street Drainage Project

Michelle Falgout, Falgout Consulting, explained this is a pay request for the work on Lamar Street.

Councilmember Songe made a motion **to approve the payment to MK Constructors.** Councilmember Buesing seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

C-13. Discussion and possible action to approve a Resolution regarding a change order for the Lamar Street Drainage Project for the installation of slope and bottom stabilization

Michelle Falgout, Falgout Consulting, explained the ditches on Lamar are fairly steep (3'9"), and while the slopes are holding up on a few, it is starting to slide on several others. Ms. Falgout stated it became evident that the grass option is not going to be the best option because some of the backfill is almost completely sand. Ms. Falgout explained they had to move closer to the property line because a gas line was not where it was supposed to be. Ms. Falgout discussed the pros of using cement stabilized sand and stated the \$30,000 fits into the budget. Ms. Falgout explained once the final accounting is done, we can deduct some of the grass (approximately \$4,000). Discussion ensued.

A motion was made by Councilmember Songe, seconded by Councilmember Hannon, **to approve the change order for the installation of the stabilization in the amount of \$30,552.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-14. Discussion and possible action to provide City's response to requested information arising from Entergy Texas, Inc's back-up distributed generation resource application with the Public Utility Commission of Texas

Chris Leavins, City Attorney, discussed a letter in Council packets which was received from the Lawton Law Firm, the firm we use to object to most anything Entergy proposes, regarding Entergy looking to provide natural gas distributed generators. Mr. Leavins stated from what we know now, there would be no cost to the cities, but Entergy could tap into these during non-emergencies. Mr. Leavins stated on page four (4) of the letter, Lawton is asking cities if they are interested, and if so, for possible locations. Discussion ensued.

Robbie Hood, City Manager, stated he will reach out to Jim Malain, our contact with Entergy, and try to get more information. Mr. Leavins stated he can let the law firm know we are interested and will get back with them at a later date once we can discuss it with Entergy. No action was taken.

C-15. Discussion and possible action to approve AN ORDINANCE OF THE CITY OF VIDOR, TEXAS AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2021; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

Chris Leavins, City Attorney, explained this is the same group we use to review everything Entergy files. Mr. Leavins stated pretty much every city in the area uses them, and if we would like to continue, we will need to approve the Ordinance.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to approve Ordinance 1381.** The Council voted six (6) for and none (0) opposed. The motion carried.

C-16. Report and discussion on the May 1, 2021, General Election

Vicki Watson, City Secretary, stated the terms expiring this year are the Mayor's position and Wards 1, 4, and 6. Ms. Watson explained the filing period opened yesterday (January 13th) and runs through 5:00 p.m.

on February 12, 2021. Ms. Watson stated candidate packets are available in her office or with the ladies in the Sanitation office, and applications may be filed Monday through Friday during normal business hours (8AM-5PM). Ms. Watson recommended candidates not wait until the last few minutes on the last day of the filing period in case of errors or omissions, as the applications cannot be altered or amended once they have been submitted. Ms. Watson explained the application would have to be withdrawn and a new one submitted, which could put it past the 5 p.m. deadline.

Ms. Watson also discussed the required campaign finance forms which are due semi-annually until a final report is submitted. Ms. Watson explained the final report terminates the treasurer appointment, otherwise the appointment remains active and reports continue to be due every January and July. Ms. Watson stated this is for candidates currently in office as well as candidates who may have lost previous elections.

In closing, Ms. Watson discussed the limited duties of the City Secretary in the election process under Title 15 (Election Code). Ms. Watson stated this includes accepting documents filed by candidates and making forms available to them but explained she cannot help complete or amend forms. Ms. Watson stated she can answer general election questions, but specific questions should be directed to either the Texas Ethics Commission or the Secretary of State's Office.

C-17. Discussion and possible action to approve AN ORDINANCE AUTHORIZING CITY REPRESENTATIVES TO APPROVE AND RATIFY EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE CITY OF VIDOR, TEXAS WITH THE VIDOR POLICE ASSOCIATION AND ACCEPTING THE TERMS THEREOF; CONTAINING A REPEALING CLAUSE; WAIVING A SECOND READING AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

Chris Leavins, City Attorney, explained this is ratifying what Council passed previously. Mr. Leavins stated because we are under Civil Service, it must be ratified by Ordinance.

Councilmember Jordan moved to **approve the Ordinance ratifying the Collective Bargaining Agreement**. Councilmember Songe seconded. The Council voted six (6) for and none (0) opposed. The motion carried.

C-18. EXECUTIVE SESSION pursuant to Section 551.071 – Consultation with Attorney and Section 551.074 – Personnel Matters, regarding vacancy of Ward 2 Councilmember's position and legal interpretation of applicable Charter, Texas Local Government Code and Texas Election Code provisions regarding same

Mayor Carder recessed the regular meeting to go into **EXECUTIVE SESSION pursuant to Section 551.071 – Consultation with Attorney and Section 551.074 – Personnel Matters, regarding vacancy of Ward 2 Councilmember's position and legal interpretation of applicable Charter, Texas Local Government Code and Texas Election Code provisions regarding same** at 8:24 p.m.

The regular meeting was reconvened at 8:40 p.m.

C-19. Discussion and possible action resulting from Executive Session under C-18, including filling of vacancy of Ward 2 Councilmember position

Mayor Carder stated we are not to do anything at this time.

C-10. Discussion and possible action to accept the resignation of Councilmember Angela Jordan, Ward 2 Councilmember

No action was taken.

C-11. Discussion and possible action to appoint an investment officer to replace Councilmember Angela Jordan

No action was taken.

C-20. 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 8:42 p.m.

These minutes approved January 28, 2021.



Kelly Carder, Mayor

ATTEST:



Vicki Watson, City Secretary