

**CITY OF VIDOR
VIDOR CITY COUNCIL
REGULAR MEETING
SEPTEMBER 12, 2019**

MEMBERS PRESENT:

Mayor Kimberly Stiebig
Councilmember Angela Jordan
Councilmember Bob Turner
Councilmember Misty Songe
Councilmember Keith Buesing
Councilmember Jane Hill

MEMBERS ABSENT:

Councilmember Gary Herrera

Administrative Personnel: Mike Kunst, City Manager; Chris Leavins, City Attorney; Vicki Watson, City Secretary; Cheryl Ray, Supervisor of Finance & Accounting; Romeo Lingad, Streets/Drainage/Parks Supervisor; and Aleta Cappen, Police Captain

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 7:01 p.m., Mayor Stiebig 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

Rex Peveto introduced himself and explained he is running for the 163rd District Court in the next election. Mr. Peveto stated Judge Powell is retiring and will not be running, so it will be an open seat. Mr. Peveto explained he has been an attorney in Orange County for 25 years, attorney for the City of West Orange, and has been on the Little Cypress-Mauriceville School Board for the past nine years.

B. COUNCIL CONSENT AGENDA

B -1. Approval of Accounts Paid:

Paid Invoices:	General Fund – \$174,716.29
	Sanitation Fund – \$28,705.99
	Juvenile Case Management – \$120.55
	Municipal Court Building Security Fund – \$2,388.54
	Emergency Management – \$2,581.34
	Hotel Occupancy – \$2,995.00
	Disaster Fund – \$1,946.36
	Employee Benefits Trust – \$55,878.35

B -2. Approval of Minutes: Regular Meeting – August 22, 2019

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:

August 26, 2019:	\$ 755.04
September 3, 2019:	\$ 512.42
September 9, 2019	\$1,194.58

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

C. COUNCIL REGULAR AGENDA

C -1. Second Public Hearing - on the proposed tax rate for the City of Vidor for fiscal year 2019-2020

Mayor Stiebig opened the **Second Public Hearing - on the proposed tax rate for the City of Vidor for fiscal year 2019-2020** at 7:03 p.m.

Mayor Stiebig stated, "The proposed tax rate for the 2019/2020 fiscal year is as follows: \$.57541 for maintenance and operations; \$.12830 for interest and sinking with a combined proposed tax rate of \$.70371. This rate is more than the effective tax rate of \$.64729; therefore, two public hearings are required, and these hearings were held on August 22, 2019, at 7:00 p.m. and today, September 12, 2019, at 7:00 p.m. The City of Vidor will meet to adopt the tax rate on September 26, 2019 at 7:00 p.m. at Vidor City Hall, 1395 North Main Street, Vidor, Texas."

Mayor Stiebig asked if there were any questions at this time and there were none. Mayor Stiebig closed the **Second Public Hearing - on the proposed tax rate for the City of Vidor for fiscal year 2019-2020** at 7:05 p.m.

C -2. Public Hearing – on the proposed fiscal year 2019-2020 budget for the City of Vidor

Mayor Stiebig opened the **Public Hearing – on the proposed fiscal year 2019-2020 budget for the City of Vidor** at 7:05 p.m.

Cheryl Ray, Supervisor of Finance & Accounting, reviewed the changes from Draft 2 to Draft 3 of the budget:

General Fund

General Fund Expenditures – Draft 2	\$ 8,373,525
Change in Vehicle Liability Insurance	392
Change in Liability Insurance	(3,603)
Change in Fidelity Bonds	(47)
Change in Building Insurance	<u>1,327</u>
General Fund Expenditures – Draft 3	\$ 8,371,594

Budget Draft 2 – Deficit	\$ (1,838,375)
Net Increase in General Fund Expenditures	<u>(1,931)</u>
Budget Draft 3 – Deficit	\$ (1,836,444)

Sanitation Fund

Sanitation Fund Expenditures – Draft 2	\$ 1,098,942
Change in Liability Insurance	(50)
Change in Vehicle Liability Insurance	(712)
Change in Building Insurance	(15)
Sanitation Fund Expenditures – Draft 3	\$ 1,098,165
 Budget Draft 2 – San. Revenues over Expenditures	 \$ 11,258
Net Increase in Sanitation Expenditures	(777)
Budget Draft 2–San. Revenues over Expenditures	\$ 12,035

Mayor Stiebig asked if there were any questions or comments from the audience at this time and there were none. Mayor Stiebig closed the **Public Hearing – on the proposed fiscal year 2019-2020 budget for the City of Vidor** at 7:08 p.m.

C -3. Consideration and possible action resulting from the second public hearing on the City's proposed tax rate for fiscal year 2019-2020

No action was taken.

C- 4. Consideration and possible action resulting from the public hearing on the City's proposed 2019-2020 budget

No action was taken.

C -5. Consideration and possible approval of a Resolution providing for continued temporary non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances, Authorized and Prohibited Usage of Recreational Vehicles, Paragraph (D), for a recreational vehicle located at 520 Concord, Vidor, TX to allow for recovery from damage caused by Hurricane/Tropical Storm Harvey

Donna Snider, 520 Concord, explained her contractor has not finished her house. Ms. Snider stated they are hoping to be back in it in about a month and asked for an extension. Councilmember Buesing stated he ran some gas lines for her a couple of weeks ago and they are getting pretty close.

A motion was made by Councilmember Jordan to **extend the non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances until October 24, 2019**. Councilmember Turner seconded the motion. The Council voted five (5) for and none (0) opposed. The motion carried.

C -6. Consideration and possible approval of a Resolution providing for continued temporary non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances, Authorized and Prohibited Usage of Recreational Vehicles, Paragraph (D), for a recreational vehicle located at 3386 ZoAnn, Vidor, TX to allow for recovery from damage caused by Hurricane/Tropical Storm Harvey

Robert Loftin, 3386 ZoAnn, stated he needs three to four weeks to finish his home and explained they have had medical issues and problems with the cabinets. Mr. Loftin stated he has done most of the work himself and asked for an extension.

A motion was made by Councilmember Songe, seconded by Councilmember Jordan, **to extend the non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances until October 24, 2019.** The Council voted five (5) for and none (0) opposed. The motion carried.

C -7. Consideration and possible approval of a Resolution providing for continued temporary non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances, Authorized and Prohibited Usage of Recreational Vehicles, Paragraph (D), for a recreational vehicle located at 2700 State Highway 12, Vidor, TX to allow for recovery from damage caused by Hurricane/Tropical Storm Harvey

Judy Coker, 2700 State Highway 12, explained she was granted an extension from FEMA through February 2020 and asked the Council for an extension. Councilmember Songe pointed out that this one is a FEMA trailer instead of a recreational vehicle. Mike Kunst, City Manager, stated Council decided earlier this year that if it was a FEMA unit, they wanted to review it. Ms. Coker stated there are still things to be done, but she is very close.

A motion was made by Councilmember Songe **to extend the non-enforcement of Section 42-41 of the City of Vidor Code of Ordinances until October 24, 2019.** Councilmember Jordan seconded the motion. The Council voted five (5) for and none (0) opposed. The motion carried.

C -8. Presentation and possible action regarding the street rehabilitation and drainage projects for the City of Vidor for fiscal year 2019-2020

Mike Kunst, City Manager, stated Council has put \$500,000 into the street rehabilitation line item for the coming year and also \$500,000 into drainage. Romeo Lingad, Street & Drainage Supervisor, explained he, Don Moorman, and Michelle Falgout (Engineer) came up with a list of 15 streets for rehabilitation this year and a cost projection to do the work themselves. Mr. Lingad displayed the list of streets and stated the projected cost to do all 15 would be \$1,318,283.41. Mr. Lingad asked Council to look at the list and choose the streets to be done. Mr. Lingad explained whichever streets the Council picks, he would like to do the drainage first and then the streets. Mayor Stiebig stated these can be done on an individual basis. Discussion ensued.

Mr. Kunst stated Romeo's recommendation is that if we do a street, we improve the drainage along that street at the same time. Mayor Stiebig and Councilmember Songe agreed that makes sense. Councilmember Buesing asked if West Davis was previously on the list, and Mr. Kunst confirmed that it was scheduled and then Harvey hit. Discussion ensued regarding individual costs per road. Mayor Stiebig inquired if there are any grant funds available for any of these and Cheryl Ray, Supervisor of Finance & Accounting, responded she is not aware of any at this time. Mayor Stiebig advised there was \$150,000 in the budget for street repair before the \$500,000 was added by Council. Councilmember Songe asked for an itemized list with a cost estimate for each street.

Paul Biehle, 45 Heritage, stated he knows the next agenda item pertains specifically to Heritage but asked Council to consider the rebuilding of Heritage, not patching. Mr. Biehle stated he has attended every meeting for the past four months, and no one else has been here to asking for help with their streets or drainage. Mr. Biehle stated he has paid taxes here for 40 years and his street has not come up yet. Mr. Biehle stated using the current value of tax dollars, Heritage Park has brought in approximately \$2.1 million dollars over that forty-year period and they have not received anywhere close to that much service. Mr. Biehle stated he understands there are needs everywhere in the city, but Heritage has been waiting 40 years. Mr. Biehle stated if nothing is done, he would like Council to tell him why and what could have been done differently. No action was taken.

C-9. Consideration and possible action regarding budgeting funds for FY 2019-2020 for street rehabilitation and/or drainage improvement for the Heritage Park subdivision

Kayla Wright, 70 Heritage, explained the problem in Heritage is more than aesthetics; it is becoming a safety issue as the road is collapsing in on itself. Ms. Wright stated she lowered a tape measure into the “black hole” in front of 50 Heritage, and it went down one foot before it touched. Ms. Wright showed Council pictures and expressed her concern with what she cannot see.

When questioned by Councilmember Buesing, Romeo Lingad, Streets/Drainage/Parks Supervisor, explained he spoke with Mr. Biehle about four months ago and confirmed that the City has the equipment to patch the hole. Mr. Buesing agreed the roads in Heritage are as bad as a lot of other roads in the City but stated he does not see spending \$1,000,000 in Heritage Park.

Mayor Stiebig stated she understands their plight and feels Romeo and Michelle Falgout (Falgout Consulting) can come up with something to alleviate the hole. Ms. Stiebig discussed the possibility of Council designating some funds and coming up with a plan for repairs. Councilmember Songe asked if \$100,000 would fix the big visible issues. Ms. Falgout discussed projected costs (approximately \$40,000) to repair the three critical spots (roughly 750 square yards) with a cement stabilizer base and asphalt overlays. Ms. Falgout explained the Street Department guys would be doing the soft cutting, compacting the sub-grade, putting 8” of base and then contracting out the asphalt. Ms. Falgout discussed the drainage issues and engineering costs and suggested taking half of the funds out of roads and half out of drainage to start the process. Discussion ensued.

Councilmember Jordan moved to **allocate \$100,000 for street repairs for Heritage subdivision**. Councilmember Turner seconded. ROLL CALL VOTE: Councilmember Turner, aye; Councilmember Jordan, aye; Councilmember Songe, aye; Councilmember Hill, aye; and Councilmember Buesing, aye. The Council voted five (5) for and none (0) opposed. The motion carried.

C-10. Consideration and possible approval of a Resolution approving a new contract with the Texas Department of Public Safety regarding the failure to appear program for denying renewal of driver’s licenses (*The current interlocal contract is being revised to accommodate Chapter 706 of the Transportation Code.*)

Chris Leavins, City Attorney, explained there was an update in the Texas Transportation Code which affects the failure to appear program. Mr. Leavins stated this program allows us to report failures to appear to the DPS (Department of Public Safety) and driver’s licenses cannot be renewed until they take care of whatever it is. Mr. Leavins explained we already have a contract; it is just being revised.

A motion was made by Councilmember Songe, seconded by Councilmember Turner, to **approve Resolution 863**. The Council voted five (5) for and none (0) opposed. The motion carried.

C-11. Discussion and possible action regarding SB 944 public information act and city employee cell phones

Mike Kunst, City Manager, explained as of the first of September, Texas Legislature requires the saving of information (voicemail, text messages, etc.) on personal devices. Mr. Kunst stated many of our employees either receive a cell phone allowance to use their personal cell phones or they just use their cell phones anyway to conduct City business. Mr. Kunst stated our concern is not the phone calls, but the texts and/or pictures that are being sent and how we store that information. Mr. Kunst stated Captain Cappen has been assisting us on trying to come up with some alternatives.

Aleta Cappen, Vidor Police Captain, explained SMARSH is a software available to do all of the logging, tracking, and storing. Captain Cappen stated we can even add the City's and Police Department's Facebook pages which also have to be logged, tracked, and saved. Captain Cappen stated SMARSH is just one company they have talked with, but they work hand-in-hand with Verizon.

Councilmember Songe stated the reality is, the City needs to go back to City-issued call phones. Ms. Songe stated the officers are not going to use their cell phones, and she does not blame them. Discussion ensued.

Chris Leavins, City Attorney, stated the Legislature took what has been there in case law and just consolidated it and put it in a statute. Mr. Leavins explained the retention schedules have been in place through the Texas State Library & Archives Commission.

Captain Cappen stated the cost of a smart phone through Verizon is \$39.99 per month for a government agency. Captain Cappen explained 25 phones would be needed for the Police Department (officers and the Dispatch Supervisor) and discussed the issues they are looking at, including calls and messages when they are not at work.

Mayor Stiebig stated no action will be taken at this time while we continue to gather information.

C-12. Consideration and possible action regarding repairs to Vidor City Hall

Cheryl Ray, Supervisor of Finance & Accounting, reviewed the bids which were received for repairs to City Hall (*Marsh Waterproofing*-\$49,298.00, *G&G Enterprises*-\$86,715, and *HB Neild*-\$163,427.69). Ms. Ray stated one of the guys who came out said the product Marsh uses will make the building not look like stucco, but she is pretty sure it is what they used before.

A motion was made by Councilmember Songe, seconded by Councilmember Turner, **to approve the bid from Marsh Waterproofing to repair the building.** The Council voted five (5) for and none (0) opposed. The motion carried.

C-13. EXECUTIVE SESSION – Deliberation pursuant to Texas Government Code, Section 551.071 – Consultation with Attorney and Section 551.074 – Personnel Matters, regarding appointment of interim city manager, including possible search process for same

Mayor Stiebig recessed the regular meeting to meet in **EXECUTIVE SESSION – Deliberation pursuant to Texas Government Code, Section 551.071 – Consultation with Attorney and Section 551.074 – Personnel Matters, regarding appointment of interim city manager, including possible search process for same** at 8:09 p.m.

Mayor Stiebig reconvened the regular meeting at 8:35 p.m.


C-14. Consideration and possible action resulting from the Executive Session under C-14 regarding an appointment of interim city manager

Councilmember Songe made a motion **to set a special called meeting on September 19, 2019, at 7:00 p.m., for possible appointment of an Interim City Manager.** Councilmember Jordan seconded. The Council voted five (5) for and none (0) opposed. The motion carried.

C-15. Consideration of Adjournment

A motion was made by Councilmember Jordan, seconded by Councilmember Buesing, 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 8:36 p.m.

These minutes approved September 26, 2019.



Kimberly Stiebig, Mayor

ATTEST:



Vicki Watson, City Secretary